فلسطين

THE QUESTION OF PALESTINE AND THE UNITED NATIONS

The Question of Palestine and the United Nations

United Nations
New York, 2008

“The Palestinian people still yearn for the freedom and dignity denied them for decades. The Israeli people yearn for long-term security. Neither can achieve their legitimate demands without a settlement of the conflict. Today, we are at a critical juncture in efforts to move beyond crisis management and renew efforts toward genuine conflict resolution.”

United Nations Secretary-General Ban Ki-moon, February 2007

Foreword

No issue has engaged the attention of the international community over the past half century or more as much as what is known as the "Question of Palestine". The issue has been on the agenda of the United Nations in one form or another since the Organization's earliest days. It has been the subject of countless hours of debate, discussion and negotiation. Yet, despite all the intensive and extensive efforts, the Palestine issue remains unresolved, and continues to require the urgent attention of the international community.

This revised edition of "The Question of Palestine and the United Nations" reflects a number of milestones and events through the end of 2007. Foremost among these was the passage of 60 years since the adoption by the General Assembly in 1947 of resolution 181 (II), providing for the establishment of an Arab State and a Jewish State in the former Mandate territory of Palestine, with a special status for the holy city of Jerusalem. Also, it had been 40 years since the June 1967 war, the occupation by Israel of Egyptian and Syrian territory and the Palestinian territories of the Gaza Strip and West Bank, including East Jerusalem, and the adoption of Security Council resolution 242 (1967), which is the basis of all subsequent peace initiatives.

The year 2007 also marked 20 years since the outbreak of the Palestinian uprising against Israeli occupation, the first *intifada*. On a more positive note, it had been 15 years since multilateral working groups had begun serious discussion of the main aspects of the Middle East issue – arms control, regional security, water, environment, economic and regional development, borders, refugees – in the aftermath of the 1991 Madrid Peace Conference, where the parties to the conflict had sat down for the first time, face-to-face, to examine the prospects for peace.

Yet, the conflict has intensified alarmingly since this booklet was last published in 2003, to the point where the occupied Palestinian territory presents a scene of grave political strife, economic hardship and humanitarian crisis. Developments since 2000 have created new and greater demands on the United Nations system, and particularly its agencies on the ground, in addressing the political dimensions of the Question of Palestine and the needs of the Palestinian people.

Since assuming office in January 2007, Secretary-General Ban Ki-moon has stressed his full commitment to advancing a comprehensive, just and lasting peace in the Middle East, based on Security Council resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003) and the principle of "land for peace".

As the Secretary-General has said, "The United Nations will continue to support international efforts aimed at bringing an end to the occupation that began forty years ago, and achieving a two-state solution. A viable and independent Palestine and a safe and secure Israel would not only be a blessing to the two peoples, but would also help promote peace and stability in the wider region."

I invite readers to use this booklet as a background reference on the Question of Palestine, and to follow developments on the situation in the Middle East through the United Nations web site and its related links. A comprehensive database with full-text documentation of the role of the United Nations system and other international and non-governmental organizations relevant to the Question of Palestine and the Arab-Israeli conflict since 1946 is available, with a directory of linked sites, at *http://unispal.un.org/unispal.nsf*.

Kiyo Akasaka
Under-Secretary-General
for Communications and Public Information

Contents

I

History

Chapter 1

The Question of Palestine before the United Nations



Second session of the General Assembly in Flushing, New York, discussing the issue of Palestine, 28 April 1947. Photo: United Nations

Palestine: From League of Nations to United Nations, 1922-1947

When the United Nations was founded on 24 October 1945, the territory of Palestine was administered by the United Kingdom of Great Britain and Northern Ireland, under a Mandate received in 1922 from the League of Nations.

Among the issues that the Mandatory Power had to deal with, particularly after the end of the Second World War, was the question of a proposed Jewish home in Palestine. (In November 1917, the British Government, in the so-called "Balfour Declaration", had declared itself in favour of "the establishment in Palestine of a national home for the Jewish people", on the understanding "that nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine".) Increasing Jewish immigration had been consistently opposed by the Arab inhabitants of Palestine, who in the mid-1940s comprised about two thirds of the territory's population of 2 million. Faced with escalating violence, the British Government decided, in February 1947, to bring the question of Palestine before the new United Nations.

Drawing attention to "the desirability of an early settlement in Palestine", Great Britain asked that a special session of the General Assembly be called immediately in

order to constitute and instruct a special committee to prepare a preliminary study on the question of Palestine for consideration by the Assembly at its next regular session.

First special session of the General Assembly, 1947

At the first special session of the General Assembly, which began on 28 April 1947, five Arab countries — Egypt, Iraq, Lebanon, Saudi Arabia and Syria — tried unsuccessfully to include in the agenda an item that would address "the termination of the Mandate over Palestine and the declaration of its independence". The Jewish case was presented by the Jewish Agency for Palestine, while the Arab Higher Committee spoke for the Palestinian Arabs.

Creation of UNSCOP

At the special session, the Assembly established the United Nations Special Committee on Palestine (UNSCOP), made up of 11 Member States, to investigate all questions relevant to the problem of Palestine and to recommend solutions to be considered by the General Assembly at its regular session in September 1947. During the course of a two-and-a-half-month investigation, the Special Committee went to Palestine and the neighbouring countries of Lebanon, Syria and Trans-Jordan, and also visited displaced persons camps in Austria and Germany, which had been ravaged by the Second World War and had experienced the tragedy of the European Jews under Nazism.

While Jewish organizations cooperated with UNSCOP in its deliberations, the Palestinian leadership in the Arab Higher Committee decided not to participate, on the grounds that the United Nations had refused to address the question of independence and had failed to separate the issue of European Jewish refugees from the question of Palestine. The natural rights of the Palestinian Arabs were self-evident and should be recognized, it said, and should not continue to be subject to investigation. The Jewish leadership maintained before UNSCOP that the issues of a Jewish State in Palestine and unrestricted immigration were inextricably interwoven. The Arabs, represented by the League of Arab States, sought the immediate creation of an independent Palestine west of the Jordan River.

UNSCOP completed its work on 31 August 1947, with its members agreeing on the question of terminating the Mandate, the principle of independence and the role of the United Nations. There was no consensus, however, on a settlement of the question of Palestine. The committee considered two proposals on the question of Palestine: the majority and minority proposals. The majority of the members recommended

that Palestine be partitioned into an Arab State and a Jewish State, with a special international status for the city of Jerusalem under the administrative authority of the United Nations. The three entities were to be linked in an economic union. The minority plan called fo an independent federated structure comprising an Arab State and a Jewish State, with Jersualem as the capital of the federation. Australia abstained from voiting on either plan because it maintained that the recommendations exceeded the Committee's terms of reference.

UN facts Dividing Palestine: Two proposals

The majority proposal: Partition with economic union

"Partition and independence—Palestine within its present borders, following a transitional period of two years from 1 September 1947, shall be constituted into an independent Arab State, an independent Jewish State, and the City of Jerusalem...

"Independence shall be granted to each State upon its request only after it has adopted a constitution ... has made to the United Nations a declaration containing certain guarantees, and has signed a treaty creating the Economic Union of Palestine and establishing a system of collaboration between the two States and the City of Jerusalem.

"Citizenship—Palestinian citizens, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine, shall, upon the recognition of independence, become citizens of the State in which they are resident ...

"Economic union—A treaty shall be entered into between the two States. ... The treaty shall be binding at once without ratification. It shall contain provisions to establish the Economic Union of Palestine...

"Population — The figures given for the distribution of the settled population in the two proposed States — are approximately as follows:

	Jews	Arabs and others	Total
The Jewish State	498,000	407,000	905,000
The Arab State	10,000	725,000	735,000
City of Jerusalem	100,000	105,000	205,000

"In addition there will be in the Jewish State about 90,000 (Arab) Bedouins …

"(Jerusalem)—The City of Jerusalem shall be placed under an International Trusteeship System by means of a Trusteeship Agreement which shall designate the United Nations as the Administering Authority."

The minority proposal: A federal State of Palestine

"The independent State of Palestine—The peoples of Palestine are entitled to recognition of their right to independence, and an independent federal State of Palestine shall be created following a transitional period not exceeding three years...

"The independent federal State of Palestine shall comprise an Arab State and a Jewish State.

"During the transitional period, a constituent assembly shall be elected by the population of Palestine and shall formulate the constitution of the independent federal State of Palestine...

"The attainment of independence by the independent federal State of Palestine shall be declared by the General Assembly of the United Nations as soon as the authority administering the territory shall have certified to the General Assembly that the constituent assembly referred to in the precedent paragraph has adopted a constitution...

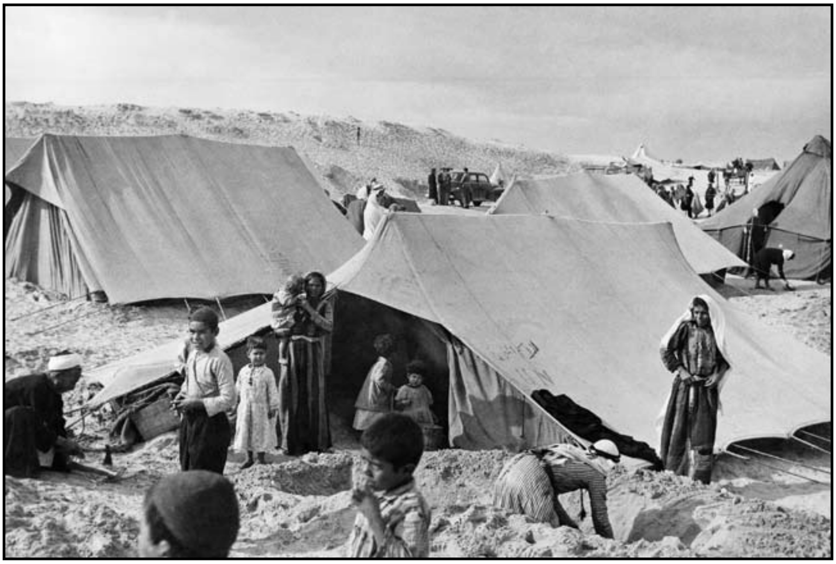
"There shall be a single Palestinian nationality and citizenship, which shall be granted to Arabs, Jews and others.

"Jerusalem, which shall be the capital of the independent federal State of Palestine, shall comprise, for purposes of local administration, two separate municipalities, one of which shall include the Arab sections of the city, including that part of the city within the walls, and the other the areas which are predominantly Jewish. "

Source: *The Origins and Evolution of the Palestine Problem, 1917-1988, United Nations, 1990, p. 115.*

Chapter 2

The Partition Plan and the end of the British mandate



The 1948 Arab-Israeli war created a major humanitarian crisis, with almost 750,000 Palestinians being uprooted from their land and becoming refugees. Palestine refugees setting up tents supplied by the United Nations, in sand dunes outside Khan Yunis, Southern Palestine. Photo: United Nations

At its second regular session, after an intense two-month-long debate, the General Assembly, on 29 November 1947, adopted resolution 181 (II), approving with minor changes the Plan of Partition with Economic Union as proposed by the majority in the Special Committee on Palestine. The partition plan, a detailed four-part document attached to the resolution, provided for the termination of the Mandate, the progressive withdrawal of British armed forces and the delineation of boundaries between the two States and Jerusalem.

The plan included:

- The creation of the Arab and Jewish States, not later than 1 October 1948;
- Division of Palestine into eight parts: three were allotted to the Arab State and three to the Jewish State, with the town of Jaffa forming an Arab enclave within Jewish territory, and
- An international regime for Jerusalem, the eighth division, to be administered by the United Nations Trusteeship Council.

United Nations Partition Plan, 1947



Map No. 4153 UNITED NATIONS
October 2000

The plan also set out the steps to be taken prior to independence. It dealt with the questions of citizenship, transit, the economic union and a declaration to be made by the provisional government of each proposed State regarding access to holy places and religious and minority rights. By resolution 181 (II), the Assembly also set up the United Nations Palestine Commission to carry out its recommendations and requested the Security Council to take the necessary measures to implement the plan of partition.

The Jewish Agency accepted the resolution despite its dissatisfaction over such matters as Jewish emigration from Europe and the territorial limits set on the proposed Jewish State. The plan was not accepted by the Palestinian Arabs and Arab States on the ground that it violated the provisions of the United Nations Charter, which granted people the right to decide their own destiny. They said that the Assembly had endorsed the plan under circumstances unworthy of the United Nations and that the Arabs of Palestine would oppose any scheme that provided for the dissection, segregation or partition of their country, or which gave special and preferential rights and status to a minority.

End of the British Mandate

The adoption of resolution 181 (II) was followed by outbreaks of violence in Palestine. As the situation deteriorated, the Security Council called for a special session of the General Assembly, which then met from 16 April to 14 May 1948. On 17 April, the Security Council called for the cessation of all military and paramilitary activities in Palestine, and on 23 April it established a Truce Commission to supervise and help bring about a ceasefire. For its part, the General Assembly relieved the Palestine Commission of its responsibilities and decided to appoint a mediator charged with promoting a peaceful settlement in cooperation with the Truce Commission. On 20 May, Count Folke Bernadotte, President of the Swedish Red Cross, was chosen as United Nations Mediator.

The first Arab-Israeli war, 1948-1949

On 14 May 1948, Britain relinquished its Mandate over Palestine and disengaged its forces. On the same day, the Jewish Agency proclaimed the establishment of the State of Israel on the territory allotted to it by the partition plan. Fierce hostilities immediately broke out between the Arab and Jewish communities. The next day,

regular troops of the neighbouring Arab States entered the territory to assist the Palestinian Arabs.

The fighting was halted after several weeks, under a four-week truce called for by the Security Council on 29 May 1948. The truce went into effect on 11 June and was supervised by the United Nations Mediator with the assistance of a group of international military observers, which came to be known as the United Nations Truce Supervision Organization (UNTSO). Despite the efforts of the Mediator, no agreement could be reached on an extension of the truce, and fighting broke out again on 8 July.

On 15 July 1948, the Security Council decided in a resolution that the situation in Palestine constituted a threat to the peace. It ordered a ceasefire and declared that failure to comply would be construed as a breach of the peace requiring immediate consideration of enforcement measures under Chapter VII of the United Nations Charter. In accordance with the resolution, a second truce came into force. By that time, Israel controlled much of the territory allotted to the Arab State by the partition resolution, including the western part of Jerusalem. Egypt and Jordan respectively controlled the remaining portions of the Gaza district and the West Bank of the Jordan River (which included East Jerusalem, with its walled Old City). More fighting took place in October 1948 and March 1949, during which Israel took over other areas, some of which had been allotted to the Arab State. In 1950, Jordan brought the West Bank, including East Jerusalem, formally under its jurisdiction pending a solution to the problem.

The hostilities had created a major humanitarian crisis, with almost 750,000 Palestinians being uprooted from their land and becoming refugees. On 17 September 1948, while in the middle of negotiations between the parties, Count Bernadotte was shot and killed in the Israeli-held sector of Jerusalem. His deputy, Ralph Bunche, of the United States, was appointed as Acting Mediator.

Between February and July 1949, under United Nations auspices, armistice agreements were signed between Israel, on the one hand, and Egypt, Jordan, Lebanon and Syria on the other. The agreements, which were similar in general content, accepted the establishment of the armistice as an indispensable step towards the restoration of peace in Palestine. They also made clear that the purpose of the armistice was not to establish or recognize any territorial, custodial or other rights, claims or interests of any party. In August of 1949, the Security Council

called for UNTSO observers to supervise the armistice. In accordance with Council decisions, UNTSO observers remain stationed in the Middle East to this day.

General Assembly resolution 194 (III): The right to return

At its third regular session, on 11 December 1948, the General Assembly adopted resolution 194 (III), in which it delineated ways to resolve the Palestine problem. Following suggestions contained in the report prepared by Count Bernadotte for a solution to the increasingly intractable situation in Palestine, the Assembly declared that:

- Refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date;
- Compensation should be paid for the property of those choosing not to return.

The Assembly also called for the demilitarization and internationalization of Jerusalem and for the protection of, and free access to, the holy places in Palestine. Resolution 194 (III) also provided for the establishment of a three-member United Nations Conciliation Commission for Palestine, which was to assume the functions of the United Nations Mediator insofar as it was considered necessary. It was instructed to assist the parties in achieving a final settlement on all outstanding questions and to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees. The Assembly subsequently elected France, Turkey and the United States to comprise the Conciliation Commission.

The Commission tried to resolve three major issues: the size of the territories, the refugees and the status of Jerusalem. Through separate talks with Arab States (Egypt, Jordan, Lebanon and Syria) and Israel at a conference in Lausanne in April 1949, it obtained a protocol, signed separately by each side, agreeing to use the boundaries established in the partition resolution as a basis for discussion. However, the 1949 meetings of the Commission ended inconclusively, with the Arab States pressing for the refugees to be returned as a first step, and with Israel insisting that the territorial question be given priority.

Later efforts by the Commission to secure the return of the Palestinians and establish an international regime for Jerusalem were also unsuccessful. Since 1951, the Commission has continued to try to secure the complete release of Arab refugee

bank accounts blocked in Israel. In 1964, it completed the identification of Arab refugee property, and it continues to maintain records relating to such property. In periodic reports submitted to the General Assembly since 1952, the Commission has repeatedly stressed that its efforts to advance matters towards the implementation of resolution 194 (III) depend on substantial changes in the attitudes of the parties. The provisions of that resolution on the right of Palestine refugees to return have been reasserted by the Assembly virtually every year since 1948.

On 11 May 1949, Israel became a Member of the United Nations. In admitting Israel, the General Assembly specifically took note of Israel's declarations and explanations made earlier to the Assembly's Ad Hoc Political Committee regarding the implementation of resolutions 181 (II) and 194 (III). Those declarations and explanations referred, among other things, to the international regime envisaged for Jerusalem, the problem of Arab refugees and boundary questions.

UN facts **Israel joins the United Nations**

Israel became a member of the United Nations on 11 May 1949. The preamble to the resolution admitting Israel to United Nations membership specifically referred to Israel's undertakings to implement General Assembly resolutions 181 (II) and 194 (III), the two resolutions that formed the centre of the Palestine issue in the United Nations:

"Having received the report of the Security Council on the application of Israel for membership in the United Nations,

"Noting that in the judgement of the Security Council, Israel is a peace-loving State and is able and willing to carry out the obligations contained in the Charter,

"Noting that the Security Council has recommended to the General Assembly that it admit Israel to membership in the United Nations,

"Noting furthermore the declaration by the State of Israel that it 'unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations',

"Recalling its resolutions of 29 November 1947 and 11 December 1948 and taking note of the declarations and explanations made by the representative of the Government of Israel before the ad hoc Political Committee in respect of the implementation of the said resolutions,

"*The General Assembly,*

"*Acting* in discharge of its functions under Article 4 of the Charter and rule 125 of its rules of procedure,

"1. *Decides* that Israel is a peace-loving State which accepts the obligations contained in the Charter and is able and willing to carry out those obligations;

"2. *Decides* to admit Israel to membership in the United Nations."

Source: *The Origins and Evolution of the Palestine Problem, 1917-1988, United Nations, 1990, p. 144. 1*

Chapter 3

The 1967 and 1973 wars and first steps towards peace



The Security Council adopts resolution 242 (1967).
Photo: United Nations

With the question of Palestine unresolved, an insecure peace, punctuated by violence and acts of force, was maintained in the region from 1950 until 1967, when Israel came to occupy the entire area of the former British Mandate of Palestine.

Establishment of UNEF I

Armed conflict erupted anew in the Middle East on 29 October 1956, when Israel began military operations against Egypt – to be joined later by France and the United Kingdom. Amidst sharply rising tensions, Egypt had nationalized the Suez Canal in July of that year. At an emergency special session, the General Assembly called for a ceasefire, and the crisis ended with the eventual withdrawal of the invading forces and the deployment of the United Nations Emergency Force (UNEF I)—the first United Nations peacekeeping force.

UNEF I was withdrawn in May 1967 at the request of Egypt, which had informed the Secretary-General that it would no longer consent to the stationing

of the force on Egyptian territory and in the Gaza Strip. On 5 June 1967, hostilities broke out between Israel and Egypt, Jordan and Syria. By the time a ceasefire called for by the Security Council was accepted by the parties, Israeli military forces had occupied the Egyptian Sinai, the Gaza Strip, the West Bank including East Jerusalem, and part of the Syrian Golan Heights.

After the ceasefire was secured, the Security Council adopted resolution 237 (1967), in which it called upon Israel to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of displaced persons. The Governments concerned were asked to respect scrupulously the humanitarian principles governing the protection of civilian persons in time of war contained in the Fourth Geneva Convention of 1949. At its fifth emergency special session, convened after the fighting began, the General Assembly called upon Governments and international organizations to extend emergency humanitarian assistance to those affected by the war. The Assembly asked Israel to rescind all measures already taken and to desist from taking further action which would alter the status of Jerusalem.

Security Council resolution 242

On 22 November 1967, the Security Council, after much negotiation, unanimously adopted resolution 242 (1967), laying down principles for a peaceful settlement in the Middle East. The resolution stipulated that the establishment of a just and lasting peace should include the application of two principles:

- Withdrawal of Israeli armed forces from territories occupied in the recent conflict, and
- Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

The resolution also affirmed the territorial inviolability of every State in the region and called for "achieving a just settlement of the refugee problem".

Egypt and Jordan accepted resolution 242 (1967) and considered Israeli withdrawal from all territories occupied in the 1967 war as a precondition to negotiations. Israel, which also accepted the resolution, stated that the questions

Territories occupied by Israel since June, 1967



Map No. 3243 Rev.4 UNITED NATIONS
August 1997

Department of Public Information
Cartographic Section

of withdrawal and refugees could be settled only through direct negotiations with the Arab States and the conclusion of a comprehensive peace treaty. Syria rejected the Council action, maintaining that the resolution had linked the central issue of Israeli withdrawal to concessions demanded from Arab countries. The Palestine Liberation Organization (PLO), which had been formed in 1964 to further Palestinian interests and aspirations, strongly criticized the resolution, which it said reduced the question of Palestine to a refugee problem.

War of 1973 and Security Council resolution 338

In October 1973, war broke out again between Egypt and Israel in the Suez Canal area and the Sinai, and between Israel and the Syrian Arab Republic on the Golan Heights. As fighting reached a critical stage, the Soviet Union and the United States jointly requested an urgent meeting of the Security Council. On 22 October, the Security Council adopted resolution 338 (1973), which reaffirmed the principles of resolution 242 and called for negotiations aimed at "a just and durable peace in the Middle East". The ceasefire call was later confirmed in resolution 339 (1973) of 23 October, and the Secretary-General was requested to dispatch United Nations observers immediately.

However, as fighting continued in the region, President Anwar el Sadat of Egypt appealed directly to the Soviet Union and the United States to intervene with troops and enforce the ceasefire. While the Soviet Union agreed, the United States opposed the request, putting the two super Powers on a collision course. At the request of Egypt, the Security Council reconvened on 24 October, and a resolution calling for the creation of a new peacekeeping force, which became the second United Nations Emergency Force (UNEF II), was worked out.

In the wake of the 1973 war, the United Nations greatly intensified its efforts to secure a lasting settlement of the Arab-Israeli conflict. Under United Nations auspices and the joint chairmanship of the Soviet Union and the United States, an international peace conference was convened in December 1973 in Geneva. Egypt, Israel and Jordan were represented in the conference, but Syria refused to take part. After three meetings, the conference adjourned indefinitely, but it was agreed that contacts would continue through a military working group.

The working group played an important role in reaching agreements on the disengagement of forces between Egypt and Israel, in January 1974 and

October 1975, and was involved in the conclusion of a disengagement agreement between Israel and Syria in May 1974. These agreements were carried out with the assistance of two United Nations peacekeeping forces. After Egypt and Israel agreed to disengage their forces, UNEF II supervised their redeployment. Under a separate agreement reached in May 1974, Israel and Syria signed a disengagement agreement. This led to the establishment of the United Nations Disengagement Observer Force (UNDOF), which was assigned to monitor the agreements between Israel and Syria. The Council renewed UNEF's mandate periodically until July 1979, when it was allowed to lapse following the conclusion of a peace treaty between Egypt and Israel. UNDOF continues to function on the Golan Heights to the present day.

From 1974 to 1977, efforts were made at various levels to promote a resumption of the negotiating process. Early in 1977, after a visit to the Middle East, Secretary-General Kurt Waldheim reported to the Security Council that fundamental differences between the parties had prevented agreement on the resumption of the Geneva peace conference.

The Camp David Accords, 1978

A new element in the Middle East situation was introduced in November 1977, when Egyptian President Anwar el-Sadat visited Jerusalem. Subsequently, direct negotiations between Egypt and Israel, with the United States as intermediary, led in September 1978 to the signing of two "frameworks for peace", known as the Camp David Accords. Despite strong opposition from most of the other Arab States and the PLO, the accords resulted in the signing of a peace treaty between Egypt and Israel in March 1979, and this led to the withdrawal of Israeli forces from the Sinai in April 1982.

On 1 September 1982, United States President Ronald Reagan called for self-government by the Palestinians of the occupied Palestinian territory in association with Jordan, saying that such an association offered the best opportunity for "a durable, just and lasting peace". He also called for a freeze on the establishment of Israeli settlements. The so-called "Reagan plan" was based on the formula of "land for peace" reflected in Security Council resolutions 242 (1967) and 338 (1973).

That same month, the Twelfth Summit Conference of the League of Arab States at Fez, Morocco, adopted a declaration calling for the withdrawal of Israel from

territories occupied in 1967, the dismantling of Israeli settlements in the occupied Palestinian territory, reaffirmation of the Palestinian right of self-determination and establishment of an independent Palestinian state after a transition period under the control of the United Nations. The "Fez Declaration" also called for the Security Council to guarantee peace "among all States of the region, including the independent Palestinian State". Later that year, the General Assembly welcomed the Arab peace plan.

The International Conference on the Question of Palestine, 1981

The General Assembly, concerned that a just solution to the question of Palestine had not been achieved, had decided in 1981 to convene an international conference on the subject. The International Conference on the Question of Palestine took place at the United Nations Office in Geneva from 29 August to 7 September 1983. It was attended by representatives of 137 States—117 as full participants and 20 as observers—as well as by the PLO. This initiative did not receive full support: Israel, the United States and some other countries opposed holding the Conference.

The Conference adopted by acclamation a Declaration on Palestine and approved a "Programme of Action for the Achievement of Palestinian Rights", recommending measures to be taken by States, United Nations organs and intergovernmental and non-governmental organizations. The Conference considered it essential that an international peace conference on the Middle East be convened under United Nations auspices, with the participation, on an equal footing, of all parties to the Arab-Israeli conflict.

Later in 1983, the General Assembly welcomed the call by the Geneva Conference for an international peace conference on the Middle East. Throughout the 1980s, the Assembly reaffirmed, with increasing support, the call for convening the proposed conference.

UN facts Security Council resolutions 242 and 338

Security Council resolution 242, adopted on 22 November 1967, and resolution 338, adopted on 22 October 1973, are considered basic instruments in all subsequent discussions of a Middle East peace settlement.

1) Security Council resolution 242 (1967) of 22 November 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. *Affirms* that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;

(*ii*) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms* further the necessity

(*a*) For guaranteeing freedom of navigation through international waterways in the area;

(*b*) For achieving a just settlement of the refugee problem;

(*c*) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Adopted unanimously at the 1382nd meeting.

2) Resolution 338 (1973) of 22 October 1973

The Security Council,

1. *Calls upon* all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;
2. *Calls upon* the parties concerned to start immediately after the ceasefire the implementation of Security Council resolution 242 (1967) in all of its parts;
3. *Decides* that, immediately and concurrently with the ceasefire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

Adopted at the 1747th meeting by 14 votes to none.[1]

[1] One member (China) did not participate in the voting.

Chapter 4

Growing Recognition of Palestinian rights



PLO leader Yasser Arafat addresses the General Assembly,November 1974. Photo: United Nations

While international attention to the Palestine issue had focused during the 1950s and early 1960s primarily on the problem of Palestinian refugees and interstate conflict, after the 1967 war the question of Palestine began to be understood in a broader political context. Palestinians stepped up their endeavours to achieve their national rights. The Palestine Liberation Organization adopted a new national charter in 1968, stating that the international community had so far failed to discharge its responsibility and calling for continuing the struggle to achieve Palestinian rights.

The General Assembly once again takes up the Question of Palestine

In December 1969, the General Assembly recognized, in resolution 2535 (XXIV), that "the problem of the Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights". In September 1974, 56 Member States proposed that "the question of Palestine" be included as an item in the General Assembly's agenda. They pointed out that the question of Palestine and the status and fate of the Palestinian people had not appeared as a separate item before the Assembly for

more than 20 years. Their proposal was accepted, and since then the question of Palestine has been part of the Assembly's agenda every year.

In a resolution adopted on 22 November 1974, the General Assembly reaffirmed the inalienable rights of the Palestinian people, which included the right to self-determination without external interference, the right to national independence and sovereignty, and the right to return to their homes and property. The rights of the Palestinian people, as set forth by the Assembly in 1974, have been reaffirmed every year since.

Observer status for the PLO, 1974

On 13 November 1974, in a landmark appearance before the General Assembly in New York, the PLO leader, Yasser Arafat, welcomed the re-examination by the United Nations of the question of Palestine: "We consider that step to be a victory for the world Organization as much as a victory for the cause of our people," he said. At the end of a lengthy speech, he declared: "Today I have come, bearing an olive branch and a freedom-fighter's gun. Do not let the olive branch fall from my hand." Nine days later, the General Assembly invited the PLO to participate in its proceedings with observer status, as the representative of the Palestinian people. This observer status was later extended to cover all United Nations bodies. Later, in its resolution 43/177 of 15 December 1988, the General Assembly acknowledged the proclamation of the State of Palestine made by the Palestine National Council (*see Chapter 5, below*). The Assembly reaffirmed the need to enable the Palestinian people to exercise sovereignty over its territory occupied since 1967. Also, the General Assembly decided that the designation "Palestine" should be used (in place of the designation "Palestine Liberation Organization") in the United Nations system, without prejudice to the observer status and functions of the PLO within the system.

Ten years later, in 1998, the General Assembly, in its resolution 52/250 of 7 July, decided to confer upon Palestine, in its capacity as observer, additional rights and privileges of participation in the sessions and work of the General Assembly, as well as in United Nations and international conferences.

Creation of the Palestinian Rights Committee, 1975

In 1975, the General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People, also known as the Palestinian Rights

Committee. The Committee was asked to prepare a programme to enable the Palestinians to exercise their inalienable rights. In 1976, the Committee presented two sets of recommendations, one concerned with the Palestinians' right of return to their homes and property, and the other with their rights to self-determination, national independence and sovereignty.

The Security Council discussed the recommendations but was unable to reach a decision owing to the negative vote of the United States, a permanent member of the Council. The Council considered the matter again on subsequent occasions, but adjourned each time without taking a decision. The recommendations were, however, endorsed by the General Assembly in 1976 and in subsequent years. The Assembly also requested the Committee to keep the situation relating to the question of Palestine under review and to report and make recommendations to the General Assembly or the Security Council. The Committee was also mandated to promote the greatest possible dissemination of information on its recommendations through non-governmental organizations and other appropriate means.

Throughout the 1980s and 1990s, the Committee followed the situation with regard to rights of the Palestinians and brought its findings before the General Assembly and the Security Council. Its programme of annual seminars, symposiums and other activities — held at regional level in Asia, Africa, Europe, North America and Latin America and the Caribbean – have helped to increase awareness internationally on the question of Palestine and focused attention on the need to achieve a peaceful settlement based on the exercise of the inalienable rights of the Palestinian people.

Starting in 1996, annual seminars have been held in Asia, Africa, Latin America and Europe on the theme of "Assistance to the Palestinian People", or "In Support of Israeli-Palestinian Peace". In June of 1999, a meeting in Geneva concentrated on "Measures to Enforce the Fourth Geneva Convention". In 2004 and 2005, meetings were held in Geneva on the impact of construction by Israel of a separation wall in the occupied Palestinian territory, and in 2006 a "United Nations international conference of Civil Society in support of the Palestinian people" was held in Geneva. The United Nations African Meeting on the Question of Palestine took place in Pretoria in 2007. Throughout, these initiatives have featured the participation of prominent spokespersons from both the Israeli and Palestinian communities and leaders from third countries, as well as representatives of civil society and non-governmental organizations and the international news media.

UN Facts PLO is granted observer status

The General Assembly, in a resolution adopted on 22 November 1974, invited the Palestine Liberation Organization to participate in the sessions and the work of the General Assembly in the capacity of Observer.

The General Assembly,

Having considered the question of Palestine,

Taking into consideration the universality of the United Nations prescribed in the Charter,

Recalling its resolution 3102 (XXVIII) of 12 December 1973,

Taking into account Economic and Social Council resolutions 1835 (LVI) of 14 May 1974 and 1840 (LVI) of 15 May 1974,

Noting that the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, the World Population Conference and the World Food Conference have in effect invited the Palestine Liberation Organization to participate in their respective deliberations,

Noting also that the Third United Nations Conference on the Law of the Sea has invited the Palestine Liberation Organization to participate in its deliberations as an observer,

1. *Invites* the Palestine Liberation Organization to participate in the sessions and the work of the General Assembly in the capacity of observer;
2. *Invites* the Palestine Liberation Organization to participate in the sessions and the work of all international conferences convened under the auspices of the General Assembly in the capacity of observer;
3. *Considers* that the Palestine Liberation Organization is entitled to participate as an observer in the sessions and the work of all international conferences convened under the auspices of other organs of the United Nations;
4. *Requests* the Secretary-General to take the necessary steps for the implementation of the present resolution.

A/RES/3237(XXIX), 22 November 1974

Chapter 5

Intifada and further steps towards peace, 1987-2003



President William Jefferson Clinton, Prime Minister Yitzhak Rabin, and PLO Chairman Yasser Arafat at the South Lawn ceremony for the signing of the Israeli-Palestinian Agreement on 13 September 1993.
Official White House Photo/Poo7291-10A

The first intifada, 1987-1993

In December 1987, after more than 20 years under military occupation, the Gaza Strip and West Bank erupted in a spontaneous popular uprising that became known as the first intifada (an Arabic word for "shaking off" that quickly entered the international political lexicon). Palestinians from all walks of life—youth, merchants, labourers, women and children—staged massive demonstrations, economic boycotts, tax resistance and strikes to protest the military occupation of their land and to demand national independence.

From the start, Israeli armed forces responded harshly to the protests, which were marked mostly by the involvement of unarmed Palestinian children and youths who threw stones at the occupying forces. Between 1987 and 1993, over 1,000 Palestinians were killed and tens of thousands were injured as unarmed protests across the occupied Palestinian territory were met with force, including the use of live ammunition, beatings and sometimes the lethal use of tear gas. Thousands

of Palestinians were detained, thousands were transferred to prisons in Israel and many were deported from the Palestinian territory.

Reports submitted to the General Assembly documented the severe measures adopted by the occupation authorities in response to the uprising, including also instances of maltreatment in Israeli prisons. The reports took note also that Israel resorted to various forms of collective reprisal, such as demolition of houses, imposition of prolonged curfews and restrictive economic measures to try to quell the rebellion. The response to the intifada took other forms which also caused great disruption to Palestinian daily life. The educational system came to a halt as schools, colleges and universities were closed for extended periods and even informal teaching arrangements were prohibited. Social services were curtailed and media and civil organizations were outlawed. Tens of thousands of productive trees were uprooted and crops destroyed. Acts of violence and aggression by Israeli civilian settlers increased in both scope and gravity, the reports said. In this situation, Palestinians attempted against all odds to overcome severe economic hardship through reliance on their community-based economy.

The Security Council, the General Assembly and the Secretary-General responded with deep concern to the measures taken by the occupation authorities against the intifada. From the outset of the uprising, beginning with Security Council resolution 605 (1987) of 22 December 1987, the question of means to ensure the safety and protection of Palestinians in the occupied territory in accordance with the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 received special attention. In resolution 605, the Security Council "strongly deplored those policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied territories, and in particular the opening of fire by the Israeli army, resulting in the killing and wounding of defenceless Palestinian civilians".

The Security Council subsequently adopted four resolutions specifically on the question of deportations of Palestinians from the occupied territory. In resolutions 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, and 641 (1989) of 30 August 1989, the Council called upon Israel to desist from deporting Palestinian civilians and to ensure the safe and immediate return to the occupied Palestinian territory of those already deported.

In a presidential note dated 26 August 1988, the members of the Security Council said that they were gravely concerned by the continued deterioration of the situation in the Palestinian territories occupied by Israel since 1967, including Jerusalem, and especially by the grave and serious situation resulting from the closing-off of areas, the imposition of curfews and the consequent increase in the numbers of injuries and deaths. The members of the Security Council considered that the situation in the occupied territories had grave consequences for endeavours to achieve a comprehensive, just and lasting peace in the Middle East.

Following Jordan's dissolution, in July 1988, of all legal and administrative ties with the West Bank, the Palestine National Council (PNC) – the Palestinian movement's unofficial "parliament in exile" – issued two ground-breaking pronouncements at a meeting in Algiers in November. The first was a "political communiqué" affirming the determination of the PNC to reach a comprehensive political settlement on the question of Palestine within the framework of the Charter and resolutions of the United Nations; the second was a "Proclamation of the Independence of the State of Palestine", in which the PNC announced the establishment of such a State, with Jerusalem as its capital, under the provisions of international law, including General Assembly resolution 181 (II) — the partition resolution of 1947.

With these two documents, the PLO in effect recognized the existence of the State of Israel — a position that PLO Chairman Yasser Arafat would affirm explicitly in December 1988 at a meeting of the General Assembly, convened in Geneva in order to hear the PLO chairman's statement. The Palestinian movement, he said, recognized "the right of all parties concerned in the Middle East conflict to exist in peace and security", including the States of Palestine, Israel and other neighbours, according to Security Council resolution 242 (1967).

As the intifada continued, and Israel continued to apply severe measures to suppress the uprising, diplomatic efforts to resolve the conflict were stepped up. In 1989, Israel adopted a peace initiative based on its previous positions, the so-called "Shamir plan", which focused on holding local elections in the occupied Palestinian territory. Egypt proposed its own plan, also foreseeing Palestinian elections. The United States, meanwhile, laid out its own response to the Israeli proposals, the "Baker plan", which centred on principles based on Security Council resolutions 242 (1967) and 338 (1973), which did not admit either to Israeli retention of permanent control of the West Bank and Gaza Strip or to an independent

Palestinian entity. Renewed impetus was meanwhile being given to the longstanding idea of an international conference to try to resolve the overall Arab-Israeli conflict. On 20 December 1990, in a statement issued by its President, the Security Council declared that an international conference, at an appropriate time, should facilitate efforts to achieve a negotiated settlement of the conflict, and a lasting peace.

The Peace Conference on the Middle East, Madrid, 1991

By 1991, global changes such as the end of the cold war and the first Gulf war and its aftermath had also affected the Middle East situation. The negotiation process resumed in earnest in October 1991, with the convening of the Peace Conference on the Middle East in Madrid. Held from 30 October to 1 November under the dual chairmanship of the United States and the Soviet Union, the Conference brought the parties to the conflict together, face-to-face, for the first time. A representative of the Secretary-General attended the Conference as an observer.

The Conference satisfied Israel's requirement for one-on-one negotiations while discussing for the first time the peace process in the format of an international conference. It created bilateral negotiation tracks for Israel and neighbouring Arab States (Lebanon, Jordan and Syria) and the Palestinians, who, in the person of notables from the West Bank and Gaza Strip, were included in a joint Jordanian-Palestinian delegation. The Conference established "multilateral working groups", which in January 1992 began work simultaneously on regional aspects of a variety of issues. Secretary-General Javier Perez de Cuellar, paying tribute to the Madrid Conference as "historic", told the Security Council in December 1991 that although it was being conducted outside the United Nations framework, it had the support of all the parties concerned and had as its basis Security Council resolutions 242 (1967) and 338 (1973) — both considered as cornerstones of a comprehensive peace settlement.

UN joins multilateral peace talks as participant, 1993

In 1992, the United Nations was invited by the co-sponsors, the Russian Federation (successor to the Soviet Union) and the United States, to take part in the multilateral negotiations as a full "extra-regional participant". Secretary-General Boutros Boutros-Ghali in 1993 appointed Under-Secretary-General Chinmaya Gharekhan of India as his special representative to the Middle East multilateral talks, with the task of coordinating the role of the United Nations in the working

groups on arms control and regional security, water, environment, economic and regional development, and refugees – issues in which the United Nations was seen as having relevant expertise. The General Assembly, while welcoming the turn of events in the Middle East, reiterated its call for convening an international peace conference under United Nations auspices, which, it felt, would contribute to the promotion of peace in the region.

By mid-1993, it appeared that the bilateral talks had stalled on a variety of political and security issues. There seemed to be no progress in solving significant questions between Israel and, respectively, the Palestinians, Syria, Jordan and Lebanon. Unbeknownst to all but a very few individuals, however, private talks between Israel and the PLO were taking place, amidst great secrecy, in Norway.

The 'Oslo channel' and the 'Washington handshake', 1993

The so-called "Oslo channel" was originally facilitated by a Norwegian social scientist, Terje Roed-Larsen, together with a senior PLO official and an Israeli academic, starting late in 1992. It later progressed under the guidance of the then Norwegian Foreign Minister, Johan Joergen Holst. The Oslo talks were brought to a conclusion late in August 1993, and the news of an Israeli-PLO agreement was broken to an amazed and hopeful world.

On 10 September 1993, Israel and the PLO exchanged letters of mutual recognition. The PLO recognized Israel's right to exist, and Israel recognized the PLO as the representative of the Palestinian people. Three days later, on 13 September 1993, in a ceremony at the White House in Washington, D.C., in the presence of United States President Bill Clinton and Russian Foreign Minister Andrei V. Kozyrev, Israeli and PLO representatives signed the "Declaration of Principles on Interim Self Government Arrangements" (the Oslo Accord). Following the signing, Israeli Prime Minister Yitzhak Rabin and PLO Chairman Yasser Arafat, who were also present, shook hands.

The Accord stated, among other things:

- The aim of the Israeli-Palestinian negotiations was to establish a Palestinian Interim Self-Government Authority, the elected Council for the Palestinian people in the West Bank and Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council resolutions 242 (1967) and 338 (1973);

- The issues of Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbours, were deferred to a "permanent status" negotiations phase, which should start no later than the beginning of the third year of the interim period.

The General Assembly expressed full support for the Declaration and also stressed the need for the United Nations to play an active role in the peace process. It also urged Member States and the United Nations system to provide greater economic and technical assistance to the Palestinians.

Donors meet in Washington, 1993

The Secretary-General, welcoming the positive developments in the region and underscoring the need for advancing the socio-economic needs of the Palestinian people, formed a high-level task force on the socio-economic development of the Gaza Strip and Jericho (the first areas of the occupied Palestinian territory where self-governing arrangements were to apply). It was asked to identify how the United Nations could expand its programme of assistance in the West Bank and Gaza Strip. The task force, which completed its work on 23 September 1993, highlighted the need to implement projects that would quickly make a visible improvement in the daily lives of Palestinians.

On 1 October 1993, over 40 donor countries and institutions, including the United Nations, participated in a Conference to Support Middle East Peace, held in Washington, D.C., where $2.4 billion was pledged to finance social and economic development in the West Bank and Gaza Strip over the next five years.

Israeli-Palestinian Interim Agreement, 1995

On 4 May 1994, the Palestinians and Israelis concluded an agreement in Cairo for the first phase of implementation of the Declaration of Principles. On that date, the interim period formally began. On 1 July, Yasser Arafat, leader of the PLO, arrived in Gaza to take charge of the new Palestinian Authority.

Important progress was made during 1995, when the Israeli-Palestinian Interim Agreement on the West Bank and Gaza Strip was signed on 28 September in Washington, D.C. The agreement provided for the dissolution of the Israeli civil administration and the withdrawal of the Israeli military government, with a

scheduled transfer of powers and responsibilities to the Palestinian Interim-Self-Governing Authority. The new agreement also contained modalities for participation in elections by the Palestinians of the West Bank, Jerusalem and the Gaza Strip, and included provision for international observation of the election process. These agreements represented a significant step forward in the implementation of the Declaration of Principles.

In a tragic blow to the peace process, Israeli Prime Minister Yitzhak Rabin was assassinated by an Israeli extremist on 4 November 1995 in Tel Aviv. The Secretary-General condemned the assassination. The General Assembly, in a special meeting held on 5 November, paid tribute to the slain Israeli leader.

In January 1996, the newly installed Palestinian Authority held its first democratic elections to choose an 88-member Palestinian Legislative Council. Yasser Arafat was elected President of the Palestinian Authority.

The peace process suffered severe setbacks in February and March 1996 when multiple suicide bombings in Israel killed about 55 Israelis and wounded another 100 or so. The attacks were strongly condemned by the Security Council, which said the clear purpose of these "vile acts" was to undermine Middle East peace efforts. On 13 March 1996, the Secretary-General joined nine heads of State and nine heads of government at a "Summit of Peacemakers" in Sharm el-Sheikh, Egypt, to oppose acts of violence in the Middle East. In a joint statement, the leaders extended support to the continuation of the negotiating process, and pledged to reinforce it politically and economically.

Prior to the Israeli election in May 1996, negotiations on a permanent status agreement between the parties were formally launched. However, no progress had been made when violence erupted following the new Israeli Government's decision to open an old tunnel under the Al-Aqsa Mosque compound in Jerusalem. After the Security Council on 27 September 1996 called for immediate cessation and reversal of acts that aggravated the situation, negotiations on permanent status were resumed in October 1996.

Earlier, on 4 September, Israeli Prime Minister Benjamin Netanyahu had met with Yasser Arafat for the first time, at the Erez crossing point between Israel and the Gaza Strip. The meeting, which was facilitated by the United Nations and Norway at the request of both parties, had been preceded by intensive contacts and mediation to finalize a framework agreement on the future of negotiations. It was

reported that the two leaders agreed that outstanding issues would be discussed in joint steering committees.

In January 1997, Israel and the PLO signed the Hebron Protocol concerning the redeployment of the Israel Defence Force (IDF) in Hebron. The Protocol also created a timetable for further redeployment of Israeli forces in the West Bank and for the resumption of the permanent status negotiations; in March, Israel approved a plan for further troop redeployments in the West Bank.

The next two years saw very little progress in negotiations. The General Assembly convened its tenth emergency special session in April 1997 and met twice in resumed sessions in July and November of that year. Increasingly concerned at the deteriorating situation, the General Assembly resumed the emergency special session in March 1998 to discuss "illegal Israeli actions in occupied East Jerusalem and the rest of the Palestinian territory". The Assembly expressed its concern at the persistent violations by Israel of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention) and reiterated its call to the High Contracting Parties to the Convention to convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem.

That meeting, for which the Assembly had set a target date of not later than February 1998, was not convened. At the initiative of Switzerland, a closed meeting between Israel and the PLO was convened in Geneva in June 1998, and in October 1998 a meeting of experts of the High Contracting Parties took place. It was not until 15 July 1999 that a conference finally took place, in Geneva, and it lasted for only one day. In a statement issued at the end of the conference, the participating High Contracting Parties reaffirmed the applicability of the Fourth Geneva Convention to the occupied Palestinian territory, including East Jerusalem. The conference adjourned on the understanding that it would convene again in the light of consultations on the development of the humanitarian situation in the field.

The Wye River Memorandum, 1998

The peace process showed new signs of life in late 1998. After eight days of talks under United States sponsorship in Maryland, Israel and the PLO concluded the Wye River Memorandum in Washington, D.C., on 23 October 1998. The agreement, signed by Prime Minister Netanyahu of Israel and President Arafat of

the Palestinian Authority in the presence of President Clinton of the United States and King Hussein of Jordan, included the following elements:

- Israel would withdraw its troops from 13 per cent of West Bank land and transfer 14.2 per cent of West Bank land from joint Israeli-Palestinian control to Palestinian control;
- Both sides would immediately resume permanent status negotiations;
- The Palestinian Authority would take actions to combat terrorism.

Secretary-General Kofi Annan described the Wye River Memorandum as a promising development. The General Assembly, in a resolution adopted on 2 December 1998, also voiced its full support for the peace process and expressed hope that the Memorandum would be fully implemented. The accord was supplemented in 1999 with the signing of an interim agreement leading to a further redeployment of Israeli forces from the West Bank, release of prisoners, the opening of safe passage between the West Bank and Gaza Strip, and resumption of negotiations on permanent status issues. On 30 November 1998, representatives of some 50 countries, meeting in Washington, D.C., pledged more than $3 billion to build infrastructure and increase economic development in areas controlled by the Palestinian Authority.

After a new Israeli Government headed by Ehud Barak took over in May 1999, hopes for continued negotiations were renewed. On 4 September 1999, Israel and the PLO signed the "Sharm el-Sheikh Memorandum on the implementation timeline of outstanding commitments of agreements signed and the resumption of permanent status negotiations". This was followed by a partial release of Palestinian prisoners, opening of the southern safe passage route between the West Bank and Gaza Strip and further redeployment of Israeli forces from areas of the West Bank.

The Camp David talks, 2000

In July 2000, United States President Clinton invited the leaders of Israel and the Palestinian Authority for peace talks at Camp David, Maryland. The summit ended inconclusively, with the two sides unable to reach an agreement on "permanent status" issues, including borders, settlements, refugees and Jerusalem. Both sides, however, renewed their commitment to continue negotiations with a view to concluding an agreement as soon as possible. With peace talks stymied, the situation on the ground quickly deteriorated.

The 'second (Al-Aqsa) intifada'

At the end of September 2000, a new wave of protests and violence began in the occupied Palestinian territory after the leader of the opposition in Israel, Ariel Sharon (who would later become Prime Minister), visited the sacred Temple Mount/Haram al-Sharif compound in Jerusalem under heavy police escort on 28 September. Protests broke out and at least 50 persons were reported killed and some 1,500 injured, most of them Palestinians, as a result of five days of continuing clashes between Israelis and Palestinians throughout the occupied territory.

This new wave of violence soon came to be known as the "second, or Al-Aqsa, intifada", named after the mosque at the centre of the Palestinian protests. The Security Council, alarmed at the dramatic escalation, condemned, by resolution 1322 (2000), this latest wave of violence in the Middle East and the excessive use of force against Palestinians. It also urged Israel to abide by the Fourth Geneva Convention and called for an immediate resumption of peace talks. The Palestinian Rights Committee, which met in October to review the situation, reiterated its position that the United Nations should continue to exercise its permanent responsibility towards all aspects of the question of Palestine, until the inalienable rights of the Palestinian people were fully realized.

With the outbreak of the second (Al-Aqsa) intifada, a new stage of the conflict, and of the search for peace, began. Secretary-General Kofi Annan visited the region in October 2000 and met with leaders of Israel and the Palestinian Authority and other leaders in the area. He also attended a summit meeting in Sharm el-Sheikh, Egypt, on 16 and 17 October, jointly chaired by President Mubarak of Egypt and President Clinton of the United States, which produced understandings on security cooperation and other measures to end the confrontations and renew the peace process. In his November 2000 report on the situation in the Middle East, the Secretary-General noted that since September more than 230 people had been killed and many others injured. "The tragic situation has made abundantly clear to all sides that the cause of peace can only be damaged by excessive use of force, indiscriminate violence or terror", he said.

The General Assembly, in a resolution adopted on 1 December 2000, expressed full support for the peace process. It expressed hope that the process would lead to the establishment of a comprehensive, just and lasting peace in the Middle East. It also stressed the need for commitment to the principle of "land for peace" and the

implementation of Security Council resolutions 242 (1967) and 338 (1973), and the need for the immediate and scrupulous implementation of the agreements reached between the parties, including the redeployment of Israeli forces from the West Bank.

Israeli and Palestinian negotiators met again in Taba, Egypt, in January 2001, to try to build on the momentum achieved at Camp David six months earlier. Although considerable progress was reported to have been made, the parties were unable to conclude an agreement before negotiations had to end owing to imminent Israeli elections for both prime minister and parliament.

In February 2001, a new Government headed by Ariel Sharon took over in Israel, declaring its willingness to continue negotiations while indicating that it would not be bound by the understandings of his predecessor Government. Violence continued unabated in the occupied Palestinian territory. The Secretary-General, addressing the Palestinian Rights Committee on 1 March 2001, described the crisis as "a human tragedy and a source of grave concern for the future". The parties, in his words, faced several crises at once:

- First, a security crisis, with a litany of violence, destruction and death;
- Second, an economic and social crisis, with growing unemployment and poverty, border closures, restrictions and measures which deprive the Palestinian Authority of necessary financial resources;
- Third, a crisis of confidence, with rising fear, despair and anger in the street and plummeting faith in the peace process.

The Security Council met in March 2001 to consider suggestions for establishing a United Nations observer force in the occupied Palestinian territory to provide protection for Palestinian civilians. When a draft proposing the Council's readiness to set up such a mechanism was put to a vote on 27 March 2001, nine countries voted in favour and one against, with four abstentions, but the negative vote of a permanent member, the United States, blocked the proposal.

In the succeeding months, violence continued, with unprecedented numbers of deaths and injuries on both sides. In a hopeful sign, a fact-finding report was released by the Sharm el-Sheikh Fact-Finding Committee ("the Mitchell Committee"). The report, among other things, called for an immediate ceasefire; a freeze on Jewish settlement construction; denunciation of terrorism, and the resumption of peace talks (*see UN Facts, below*).

Welcoming the Mitchell report when it was issued on 21 May 2001, Secretary-General Kofi Annan said it should allow the parties to take steps for a ceasefire, confidence-building measures and, eventually, a return to the table. "I hope this opportunity will not be wasted, and that [the parties] will seize it as a moment to step back from the precipice and try and end the violence in the region", the Secretary-General said.

Members of the Security Council also voiced their full support for the Secretary-General's efforts to resume dialogue among the parties to the Middle East conflict and expressed their backing for the Mitchell report. In a statement made after a closed-door briefing by the Secretary-General on 22 May 2001, the Council President appealed to the parties to give serious consideration to the Mitchell committee's recommendations, and called on them immediately to begin the steps required to implement those recommendations, including confidence-building measures.

Violence spreads and escalates into all-out conflict

In June and August of 2001, separate suicide-bomb attacks in Tel Aviv and Jerusalem killed 36 civilians and shocked the world. Israel re-introduced its tactic of targeted and extra-judicial killings of accused Palestinian militants, with a missile attack on a leader of the Popular Front for the Liberation of Palestine (PFLP), a PLO faction, in his office in the West Bank city of Ramallah; in response, the PFLP claimed responsibility for the assassination of an Israeli cabinet minister in a Jerusalem hotel. Israeli forces re-entered Palestinian areas of the West Bank from which they had previously pulled back.

The upsurge in violence greatly alarmed the Security Council, which in March 2002 adopted resolution 1397 (2002) demanding the "immediate cessation of all acts of violence, including all acts of terror, provocation, incitement and destruction", and reaffirming "a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders". In the same month, the League of Arab States, meeting in Beirut, adopted a peace plan proposed by Crown Prince (later King) Abdullah of Saudi Arabia, under which the Arab States offered recognition of Israel in return for a full withdrawal of Israeli forces from the occupied Arab territories.

However, the diplomacy was again overshadowed by events on the ground: a suicide bomber killed 30 Israelis during a Passover dinner at a restaurant in

Netanya, and Israeli forces mounted "Operation Defensive Shield", their biggest offensive action in the West Bank since the 1967 war. They encircled the Palestinian president's compound in Ramallah, and detained a popular Fatah leader, Marwan Barghouthi, from his home. On 30 March, the Security Council, in resolution 1402 (2002) called for a ceasefire and the withdrawal of Israeli forces from Palestinian cities. As the situation continued to deteriorate, the Council met again on 4 April and unanimously adopted resolution 1403 (2002) demanding immediate implementation of the ceasefire and troop withdrawals.

Launch of the Quartet

In April, the Secretary-General met in Madrid, Spain, with the foreign ministers of the United States and Russia (the co-sponsors of the 1991 Madrid peace conference), and with Javier Solana, the High Representative of the European Union for the Common Foreign and Security Policy. They declared the need for an immediate cessation of violence, an end to "illegal and immoral" suicide attacks and for progress on the implementation of cease-fire proposals and political measures to end the conflict. This constituted the first meeting of the "Quartet" – the European Union, the United States, Russia and the United Nations, – which would spearhead international efforts in the search for a peaceful solution from then on.

Meanwhile, Israeli forces had re-occupied Bethlehem, and were besieging a Palestinian refugee camp at Jenin, in the northern West Bank. Heavy fighting raged there for more than a month, with heavy loss of life on both sides, including 23 Israeli soldiers and more than 50 Palestinians killed in the camp. A large swath of refugee housing in the centre of the camp was demolished by Israeli bulldozers. The Security Council adopted resolution 1405 (2002), expressing concern at the "dire humanitarian situation of the Palestinian civilian population" and welcoming the Secretary-General's initiative to send a fact-finding commission to investigate the events in Jenin camp. However, that mission was dissolved before undertaking its work, in the absence of what the Secretary-General called "the full support of both parties".

In June, another suicide attack killed 19 Israeli reservists, and Israel began construction of a "separation barrier", or wall, along the length of the armistice line between Israel and the West Bank — in places verging well into Palestinian territory. That month also, United States President George W. Bush offered a plan

for Israeli withdrawal and Palestinian statehood – "two states, living side by side in peace and security" – and called for reform of the Palestinian Authority.

In the second half of 2002, attacks continued on both sides. As Israeli closures and access restrictions began to take a heavy toll on the daily lives of Palestinians, the Secretary-General appointed a special envoy, Catherine Bertini, to assess the scale of the humanitarian crisis in the occupied Palestinian territory.

In September, the Security Council once again expressed concern at the "continuous deterioration of the situation", demanded an end to the "re-occupation of the headquarters of the President of the Palestinian Authority" and reiterated the need for respect of "international humanitarian law, including the Fourth Geneva Convention". The Council demanded the withdrawal of "the Israeli occupying forces" from Palestinian cities and the return to positions held before September 2000. It also called on the Palestinian Authority to meet its security requirements. In December, the General Assembly reaffirmed support for the peace process, welcomed the March Arab summit initiative, and called for an end to violence, Israeli withdrawal from the occupied Palestinian territory, and the realization of the rights of the Palestinians, and a solution to the refugee problem.

In January 2003, as the Likud party won elections in Israel by a wide margin, a double suicide bombing in Tel Aviv killed 23 persons. Further suicide attacks on Israeli buses killed 32 persons in Haifa and Jerusalem in March and June. A new phenomenon emerged with the firing of home-made "Qassam" rockets from the Gaza Strip into Israeli border towns, in response to which Israeli forces in March re-occupied parts of the northern Gaza Strip, including the largest Palestine refugee camp, Jabalia (population 100,000), where the first *intifada* had begun in 1987.

UN Facts

Report of the Sharm el-Sheikh Fact-Finding Committee (April 2001)

On 17 October 2000, at the conclusion of the Middle East Peace Summit at Sharm el-Sheikh, Egypt, a fact-finding committee was established, with the agreement of Israeli and Palestinian leaders and in consultation with the United Nations Secretary-General, on the events of September 2000 and "how to prevent their recurrence". Following is a summary of the recommendations of the "Mitchell Committee" (chaired by former U.S. Senator George Mitchell), as submitted to the United States President on 30 April 2001:

The Government of Israel (GOI) and the Palestinian Authority (PA) must act swiftly and decisively to halt the violence. Their immediate objectives then should be to rebuild confidence and resume negotiations.

The restoration of trust is essential, and the parties should take affirmative steps to this end. Given the high level of hostility and mistrust, the timing and sequence of these steps are obviously crucial. This can be decided only by the parties. We urge them to begin the process of decision immediately.

Accordingly, we recommend that steps be taken to:

END THE VIOLENCE

- The GOI and the PA should reaffirm their commitment to existing agreements and undertakings and should immediately implement an unconditional cessation of violence.
- The GOI and PA should immediately resume security cooperation.

REBUILD CONFIDENCE

- The PA and GOI should work together to establish a meaningful cooling off period" and implement additional confidence building measures…

- The PA and GOI should resume their efforts to identify, condemn and discourage incitement in all its forms.
- The PA should make clear though concrete action to Palestinians and Israelis alike that terrorism is reprehensible and unacceptable, and that the PA will make a 100 per cent effort to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.
- The GOI should freeze all settlement activity, including the "natural growth" of existing settlements.
- The GOI should ensure that the (Israel Defence Force) adopt and enforce policies and procedures encouraging non-lethal responses to unarmed demonstrators, with a view to minimizing casualties and friction between the two communities.
- The PA should prevent gunmen from using Palestinian populated areas to fire upon Israeli populated areas and IDF positions. This tactic places civilians on both sides at unnecessary risk.
- The GOI should lift closures, transfer to the PA all tax revenues owed, and permit Palestinians who had been employed in Israel to return to their jobs; and should ensure that security forces and settlers refrain from the destruction of homes and roads, as well as trees and other agricultural property in Palestinian areas. We acknowledge the GOI's position that actions of this nature have been taken for security reasons. Nevertheless, the economic effects will persist for years.
- The PA should renew cooperation with Israeli security agencies to ensure, to the maximum extent possible, that Palestinian workers employed within Israel are fully vetted and free of connections to organizations and individuals engaged in terrorism.
- The PA and GOI should consider a joint undertaking to preserve and protect holy places sacred to the traditions of Jews, Muslims, and Christians.

- The GOI and PA should jointly endorse and support the work of Palestinian and Israeli non-governmental organizations involved in cross-community initiatives linking the two peoples.

RESUME NEGOTIATIONS

- In the spirit of the Sharm el-Sheikh agreements and understandings of 1999 and 2000, we recommend that the parties meet to reaffirm their commitment to signed agreements and mutual understandings, and take corresponding action. This should be the basis for resuming full and meaningful negotiations.

II

The United Nations and Palestine today

Chapter 6

The United Nations and the search for peace



Secretary-General Ban Ki-moon (fourth from left) speaks during a joint press conference of the Quartet (European Union, United Nations, United States, and Russian Federation) principals on the Middle East peace process, at United Nations Headquarters in New York on 23 September 2007. From Left to right: Tony Blair, Quartet Representative; Javier Solana, Secretary-General of the Council of the European Union; Condoleezza Rice, United States Secretary of State; Mr. Ban; Sergey Lavrov, Foreign Minister of the Russian Federation; Luís Amado, Minister for Foreign Affairs of Portugal (rotating Chair of the European Union); and Benita Ferrero-Waldner, European Union Commissioner for External Relations. Photo: United Nations

> "The United Nations will continue to support international efforts aimed at bringing an end to the occupation that began forty years ago, and achieving a two-state solution. A viable and independent Palestine and a safe and secure Israel would not only be a blessing for the two peoples, but would also help promote peace and stability in the wider region."
>
> Secretary-General Ban Ki-moon,
>
> in a message to the UN African Meeting on the Question of Palestine, 9 May 2007

The Road Map is unveiled

In the midst of the escalation of violence at the beginning of 2003, diplomatic efforts resumed. On 30 April, the Quartet formally presented to the parties a

“Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict”, a blueprint which became known as the “Road Map”. The Road Map was a three-phase plan, to be implemented in measurable incremental steps and based on the foundations laid by the Madrid Conference, the principle of land for peace, Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), agreements previously reached by the parties, and the Arab Peace Initiative (see UN Facts: Road Map) . Significantly, the Road Map was accepted by both Israelis, albeit with reservations, and Palestinians as the primary blueprint and reference point for all efforts to end the conflict. From 2002 onwards, the Quartet continued to meet regularly at “principals” level (as at Madrid in 2002) and on the ground at envoy level through the facilitation of the Gaza-based United Nations Special Coordinator for the Middle East Peace Process.

The Israeli Prime Minister, Ariel Sharon, and the newly appointed Palestinian Prime Minister, Mahmoud Abbas, met with United States President George Bush and King Abdullah of Jordan in Aqaba, Jordan, on 4 June 2003. Prime Minster Abbas said: "The armed intifada must end and we must use and resort to peaceful means in our quest to end the occupation and suffering of Palestinians and Israelis." Prime Minister Sharon said: "We can ... reassure our Palestinian partners that we understand the importance of territorial contiguity in the West Bank for a viable Palestinian State," and pledged to immediately begin the dismantlement of "unauthorized" outposts.

This was followed by a meeting of the Quartet principals, also in Jordan, at which they pledged to support the Israeli and Palestinian leaders to carry out their commitments, and welcomed efforts by Egypt and others to achieve a halt to armed action by Palestinian groups.

The Israeli and Palestinian Prime Ministers met again in Jerusalem on 1 July to discuss progress in implementing the Road Map. In a joint news conference held before the meeting, Prime Minister Abbas called Israel's withdrawal from the northern Gaza Strip "important steps" and said other occupied Palestinian towns and cities would be next. He hoped they would agree on forming joint committees to further the Road Map's implementation, while Prime Minister Sharon reiterated that his first priority was Israel's security.

In August, a suicide attacker from Hamas killed 21 persons on a Jerusalem bus, and Israel carried out extra-judicial killings of a Hamas leader in the Gaza Strip and

four alleged militants in the West Bank. After two more suicide bombings killed 15 persons, Israeli forces resumed their siege of the Palestinian presidential compound in Ramallah. In October, after a female suicide bomber killed 21 Israelis, at a Haifa restaurant, the General Assembly again condemned such killings, while demanding also that Israel stop and reverse the construction of the separation barrier. In November, the Security Council adopted resolution 1515 (2003), endorsing the Road Map. Prime Minister Sharon, meanwhile, announced a plan for the unilateral "disengagement" of Israeli military forces and settlers from the Gaza Strip.

The 'Geneva Initiative'

A new, but unofficial, peace effort emerged in December 2003, when representatives of Israeli and Palestinian civil society, led by two former cabinet ministers of Israel and the Palestinian Authority, Yossi Beilin and Yasser Abed Rabbo, launched the "Geneva Initiative", a detailed model peace accord to end the Israeli-Palestinian conflict, which touched on final status issues. Although it had no official standing, this blueprint for peace generated significant public support among the Israelis and Palestinians. After meeting the founders of the initiative in New York on 5 December, Secretary-General Kofi Annan said the Road Map remained the "key mechanism" for moving forward, and that "the momentum needed for conflict resolution in the Middle East must come from people working together for change".

There was a further escalation of violence in many forms in 2004. In separate missile attacks on Gaza City in March and April, Israel Defence Forces killed the two top leaders of the Islamist Hamas movement, Shaikh Ahmad Yassin and Abdul Aziz Rantisi. In May, Palestinian militants blew up an Israeli military vehicle in the Gaza Strip, killing six soldiers; Israel launched a large operation along Gaza's border with Egypt to stop alleged cross-border infiltration and arms smuggling, and in the operation dozens of Palestinian houses were demolished and 40 Palestinians were killed. In July and August, suicide bombers killed more than 20 Israelis in Netanya and Beersheba. In September, after Qassam rockets killed two Israeli children in the Negev town of Sderot, Israeli forces re-occupied the northern Gaza Strip in a 17-day military operation in which more than 100 Palestinians were killed.

In November 2004, Palestinian leader Yasser Arafat, who had been in declining health over the previous 11 months during which he was confined to his compound in Ramallah, was flown to a hospital in France, where he died on 11 November,

aged 75. After official state funeral ceremonies were held in Egypt, his body was flown back to the West Bank, where he was buried, amidst frenzied scenes of grief and mourning, inside the presidential compound at Ramallah.

New contacts

Diplomatic contacts marked the start of 2005. In February, Prime Minister Ariel Sharon, now the head of an Israeli "unity government", met at Sharm el-Sheikh, Egypt, with Mahmoud Abbas, who had been popularly elected in January to succeed Yasser Arafat as President of the Palestinian Authority. Once again, the two leaders announced an end to violence, and Israel announced a plan for a release of 900 Palestinian prisoners and a withdrawal of Israeli forces from Palestinian cities. The results of the conference were seen as heralding the "end" of the intifada; the planned Israeli troop withdrawals were "frozen" within days, however, after a suicide bombing killed five people at a Tel Aviv nightclub.

In March, the Quartet principals met again in London, simultaneously with an international meeting to "support Palestinian institution building". A Quartet statement commended the announced Israeli withdrawal from the Gaza Strip and parts of the West Bank, but reiterated that such moves must be "full and complete" and undertaken in a manner consistent with the Road Map. It cautioned that a "state of scattered territories will not work". After the London meeting, the Secretary-General visited the region for further talks with Israeli and Palestinian leaders. Israel withdrew its forces from the West Bank towns of Jericho and Tulkarm.

In April, the Quartet appointed the former president of the World Bank, James Wolfensohn, as its "special envoy for Gaza disengagement", with part of his mission being to facilitate the handover of economic assets, including such infrastructure as agricultural greenhouses in the evacuated Gaza settlements, to the Palestinian authorities. In May, Israel released 400 Palestinian prisoners. In June, after Prime Minister Sharon and President Abbas had met in Jerusalem, the Quartet again met in London and urged both parties to "avoid and prevent any escalation of violence".

Israeli withdrawal from Gaza Strip and emergence of Hamas

In August, despite some opposition from within Israel, Prime Minister Sharon carried out a smooth and prompt evacuation of all civilian settlements in the Gaza Strip and four in the northern West Bank; in September, the last Israeli soldiers

left the Gaza Strip and the Israeli settlements there were handed over to the Palestinians. This marked the first Israeli withdrawal from the occupied Palestinian territory since 4 June 1967, even though Israel retained control over Gaza's borders, air space and territorial waters. In an address to the General Assembly, Prime Minister Sharon declared that the Palestinians were "entitled to freedom and to a national, sovereign existence in a State of their own", while reasserting Israel's claim to an "undivided" Jerusalem.

In January 2006, two events occurred, which would seriously affect the dynamics of the Palestinian-Israeli conflict: Israeli Prime Minister Ariel Sharon suffered a debilitating stroke, and, in elections for a new Palestinian Legislative Council, the Hamas movement, which does not recognize Israel, does not accept previous agreements, and does not renounce violence, won a majority of seats. President Abbas asked the Hamas leader, Ismail Haniyeh, to form a new Palestinian Government; at almost the same time, Ehud Olmert was elected as Prime Minister of Israel.

In response to the Hamas election victory, Israel halted transfers of tax revenues to the Palestinians, and major external donors, including the United States and the European Union, moved to withhold financial and economic assistance from the Palestinian Authority. They insisted that for aid to be resumed, the Hamas-led Government must commit itself to the principles of non-violence, recognition of Israel, and acceptance of previous agreements and obligations, including the Road Map plan providing for two States living side by side in peace. In June, amidst signs of a growing humanitarian crisis in the Gaza Strip, the Quartet endorsed a European Union proposal for a "Temporary International Mechanism" to facilitate "needs-based assistance directly to the Palestinian people", without passing it through the Palestinian Government. Under this mechanism, designed to pay the salaries of Palestinians employed in the health sector and to provide for uninterrupted supplies of fuel and power and basic allowances to the poorest segment of the population, the European Union disbursed some $865 million to the Palestinians in 2006.

As efforts continued to find ways to alleviate human suffering in the Palestinian territory (*see Chapter 9, below*), and Palestinian leaders pursued negotiations to reconcile the Fatah and Hamas factions, Qassam rockets continued to be fired from the Gaza Strip into Israel, and Israel carried out further "targeted killings" of suspected Palestinian militants. In one particularly tragic incident in June 2006,

seven members of one Palestinian family were killed on a Gaza beach. In response, Hamas rescinded its offer of a truce and militants crossed into Israeli territory, killing two Israeli soldiers and capturing a third – a corporal who would remain captive. In response, Israel began a new ground assault on the Gaza Strip and launched an offensive targeted at Palestinian rocket sites, killing 23 Palestinians in one raid. An Israeli air strike in June destroyed the only power plant in the Gaza Strip, leaving most Gaza residents with only 6-8 hours of electricity and two to three hours of water a day for the rest of the year. The Security Council met in July but, due to the negative vote of a permanent member, failed to adopt a draft resolution calling for the release of the abducted Israeli soldier and for a halt to the "disproportionate use of force" by Israel.

In the second half of 2006, Gaza residents were living in a war-like environment, with almost daily Israeli military strikes occurring from land, air and sea, and the continuous firing of Palestinian rockets into Israel. Between 25 June and 12 October 2006, 261 Gazans died in the violence – 60 of them children; during the same period, two Israelis were killed and 15 injured by home-made rockets fired from the Gaza Strip. By September 2006, President Abbas, of Fatah, and Prime Minister Haniyeh, of Hamas, agreed on the formation of a Palestinian unity Government. However, heavy fighting erupted between armed Palestinian factions in Gaza; many fighters were killed and unity talks broke down.

Israel continued its shelling of areas of the Gaza Strip, attacking for six days the town of Beit Hanoun in the north, where 50 civilians were killed, including 16 members of one family in an attack in November — an incident for which the Israeli prime minister apologized, citing "technical errors". The Security Council met on 9 and 10 November but failed to adopt a draft resolution condemning Israeli military actions in the Gaza Strip. The Human Rights Council convened a special session on 15 November and decided to dispatch a high-level fact-finding mission to Beit Hanoun. The General Assembly deeply deplored on 30 November the "killing of many Palestinian civilians, including women and children", and requested the Secretary-General to dispatch a similar fact-finding mission. By the time a truce came into effect at the end of November, more than 450 Palestinians had been killed and some 1,500 injured in the hostilities of the previous five months, including internal fighting; during the same period, 3 Israeli soldiers and 2 Israeli civilians were killed by Palestinians.

Agreement on a National Unity Government

New reconciliation efforts marked the beginning of 2007. In February, the leaders of Hamas and Fatah met in Mecca, at the invitation of King Abdullah of Saudi Arabia, and agreed on a formula for power-sharing in the Palestinian Authority, and in March a "Palestinian national unity Government" was formed, with ministers drawn from both Hamas and Fatah as well as independent members. In its programme, the new Government affirmed that it "honours the decisions of international legitimacy and the agreements that have been signed by the PLO" – a formulation that the major Western donors said still fell short of a full recognition of Israel and commitment to non-violence and to the peace process. Donor restrictions on funding for the Palestinian Authority remained in place, and major Western donor representatives said they would continue to eschew contacts with Hamas members of the Palestinian Government.

In March, a summit meeting of the League of Arab States in Riyadh agreed to reaffirm the Saudi plan adopted at an Arab summit in Beirut in 2002, which offered the recognition of Israel in return for an Israeli withdrawal from the occupied Palestinian territory and normalization of relations. The same month, Secretary-General Ban Ki-moon made his first official visit to the region, meeting with Israeli officials in Jerusalem and with Palestinian leaders in the West Bank.

In April, President Abbas and Prime Minister Olmert met in Jerusalem to discuss immediate humanitarian and security issues, as well as efforts to build confidence between the two sides, but the meeting was inconclusive. Meeting in Berlin in March, and again later in May, the Quartet principals welcomed the Arab Peace Initiative, as well as new efforts to renew the dialogue between Israel and the Palestinians. However, in renewed inter-factional violence during the period from mid-March to mid-May 2007, 68 Palestinians were killed and 200 were injured. The United Nations Under-Secretary-General for Political Affairs told the Security Council on 24 May that the renewed violence threatened both the survival of the Palestinian Unity Government and the prospects for any fruitful Israeli-Palestinian dialogue.

Hamas takeover of the Gaza Strip and its aftermath

In June, Hamas violently seized *de facto* political authority in the Gaza Strip. In response, President Abbas dissolved the Palestinian National Unity Government,

declared a state of emergency, and created an emergency cabinet by appointing Salam Fayyad to serve as Prime Minister.

With the formation of the new Palestinian Government, the United States and the European Union decided to renew direct assistance to the Palestinian Authority. Israel also took action in support of President Abbas, and resumed transfer of tax and custom revenues and started releasing Palestinian prisoners.

To boost the peace process in the light of the new developments, the Quartet appointed in June former British Prime Minister Tony Blair as its Representative and expressed support for an international meeting proposed by the United States President to support a negotiated two-State solution to the Israeli-Palestinian conflict.

Annapolis Conference and Resumption of Peace Talks

In an effort to revive the peace process, the United States convened a conference in Annapolis, Maryland, on 27 November. Israeli Prime Minister Ehud Olmert and Palestinian President Mahmoud Abbas participated, along with representatives of key international actors and regional neighbours, including Saudi Arabia, Jordan, Egypt, Lebanon and Syria.

The Conference produced a joint understanding by Israeli and Palestinian leaders, who agreed to "immediately launch good-faith bilateral negotiations in order to conclude a peace treaty, resolving all outstanding issues, including all core issues without exception, as specified in previous agreements," and to conclude an agreement before the end of 2008. For this purpose, a Steering Committee was established and the first session of the Committee was held in Jerusalem on 12 December.



Palestinian Authority President Mahmoud Abbas (L) shakes hands with Israel's Prime Minister Ehud Olmert at the Israel-Palestinian Peace Conference at the U.S. Naval Academy in Annapolis, 27 November 2007.
Photo: REUTERS/Larry Downing

In the Joint Understanding, the two sides committed themselves to immediately implement their respective obligations under the Quartet's performance-based Road Map to a permanent two-State solution, and agreed to form an American, Palestinian and Israeli

mechanism, led by the United States, to follow up on the implementation of the Road Map. Prime Minister Olmert and President Abbas also agreed to meet on a bi-weekly basis to follow up the negotiations.

Secretary-General Ban Ki-moon welcomed the Joint Understanding and pledged the full support of the United Nations for the renewed effort. He said: "For 60 years, the United Nations has provided the broad parameters for peace, first in the partition plan, and then in Security Council resolutions 242, 338, 1397 and 1515, and today the United Nations has few higher priorities than seeing this conflict resolved. Implementation is now paramount. What we do tomorrow is more important than what we say today."

UN Facts The Road Map

Following are excerpts from "A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict", adopted by The Quartet (the United Nations, the European Union, the United States and the Russian Federation) at their meeting in Madrid on 10 April 2002. The Road Map defines the parameters and steps to be taken by both Israelis and Palestinians to end the bloodshed and settle the conflict between the two parties, resulting in the existence of two states in the region, living side by side in peace and security.

Formally presented to the parties on 30 April 2003, the Road Map is a three-phase plan aimed at achieving and final and comprehensive settlements of the Israeli-Palestinian conflict, on the basis of a goal-driven and performance-based approach. It remains the primary blueprint and reference point for all efforts to end the Israeli-Palestinian conflict.

A two-state solution to the Israeli-Palestinian conflict will only be achieved through an end to violence and terrorism, when the Palestinian people have a leadership acting decisively against terror and willing and able to build a practising democracy based on tolerance and liberty, and through Israel's readiness to do what is necessary for a democratic Palestinian state to be established, and a clear, unambiguous

acceptance by both parties of the goal of a negotiated settlement as described below.

The Quartet will assist and facilitate implementation of the plan, starting in Phase I, including direct discussions between the parties as required. The plan establishes a realistic timeline for implementation. However, as a performance-based plan, progress will require and depend upon the good faith efforts of the parties, and their compliance with each of the obligations outlined below. Should the parties perform their obligations rapidly, progress within and through the phases may come sooner than indicated in the plan. Non-compliance with obligations will impede progress.

A settlement, negotiated between the parties, will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbours. The settlement will resolve the Israeli-Palestinian conflict, and end the occupation that began in 1967, based on the foundations of the Madrid Conference, the principle of land for peace, (United Nations Security Council resolutions) 242, 338 and 1397, agreements previously reached by the parties, and the initiative of Saudi Crown Prince (now King) Abdullah – endorsed by the Beirut Arab League Summit – calling for acceptance of Israel as a neighbour living in peace and security, in the context of a comprehensive settlements. This initiative is a vital element of international efforts to promote a comprehensive peace on all tracks, including the Syrian-Israeli and Lebanese-Israeli tracks.

The Quartet will meet regularly at senior levels to evaluate the parties' performance on implementation of the plan. In each phase, the parties are expected to perform their obligations in parallel, unless otherwise indicated.

Phase I: Ending Terror and Violence, Normalizing Palestinian Life, and Building Palestinian Institutions, Present to May 2003

In Phase I, the Palestinians immediately undertake an unconditional cessation of violence according to the steps outlined below; such action should be accompanied by supportive measures undertaken by Israel. Palestinians and Israelis resume security cooperation

based on the Tenet work plan to end violence, terrorism, and incitement through restructured and effective Palestinian security services. Palestinians undertake comprehensive political reform in preparation for statehood, including drafting a Palestinian constitution, and free, fair and open elections upon the basis of those measures. Israel takes all necessary steps to help normalize Palestinian life. Israel withdraws from Palestinian areas occupied from September 28, 2000 and the two sides restore the status quo that existed at that time, as security performance and cooperation progress. Israel also freezes all settlement activity, consistent with the Mitchell report.

…..

Phase II: Transition, June 2003-December 2003

In the second phase, efforts are focused on the option of creating an independent Palestinian state with provisional borders and attributes of sovereignty, based on the new constitution, as a way station to a permanent status settlement. As has been noted, this goal can be achieved when the Palestinian people have a leadership acting decisively against terror, willing and able to build a practicing democracy based on tolerance and liberty. With such a leadership, reformed civil institutions and security structures, the Palestinians will have the active support of the Quartet and the broader international community in establishing an independent, viable, state.

…..

Phase III: Permanent Status Agreement and End of the Israeli-Palestinian Conflict, 2004-2005

Progress into Phase III, based on consensus judgment of Quartet, and taking into account actions of both parties and Quartet monitoring. Phase III objectives are consolidation of reform and stabilization of Palestinian institutions, sustained, effective Palestinian security performance, and Israeli-Palestinian negotiations aimed at a permanent status agreement in 2005.

…..

The full text of the Road Map is available at: www.un.org/unsco/quartet.html

Chapter 7

Human rights and the Palestinians



Beit kahil-Hebron road near Halhul, October 2004. Photo: OCHA oPt

Concern for the human rights of the civilian population in the territories occupied by Israel during the 1967 war was first expressed by the Security Council in resolution 237 of 14 June 1967, which, among other things, called for the scrupulous respect of the humanitarian principles contained in the 1949 Fourth Geneva Convention. In December 1968, the General Assembly established a three-member "Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories" and asked it to submit reports whenever the need arose. The Israeli Government has, since the very beginning, refused to allow the Special Committee to visit the occupied territory to conduct its mandated investigations. It has maintained that the resolution establishing the Special Committee was discriminatory in character and attempted to prejudge allegations the Special Committee was supposed to investigate.

Since 1970, the Special Committee has submitted to the General Assembly annual reports, complemented since 1989 by two additional periodic reports. Without direct access to the occupied Palestinian territory, the members have based

their reports on interviews conducted during visits to the neighbouring States, with individuals having first-hand experience of the human rights situation in the occupied Palestinian territory. The reports have documented the human rights situation in the occupied territories, including incidents linked to the first intifada (1987-1993) and the second intifada that began in 2000, the administration of justice, the treatment of detainees and of Palestinian civilians, measures affecting fundamental freedoms and the activities of Israeli settlers violating international law. They have affirmed that, especially over the last two decades, Israel has continued its policy of de facto annexation through such measures as establishing or expanding settlements, confiscating property, transferring Israeli citizens to the occupied territories, deporting Palestinians from the territories and encouraging or compelling Palestinians to leave their homeland. Such actions, the reports state, have violated the obligations of Israel as a High Contracting Party to the Fourth Geneva Convention.

A number of measures initiated in the Security Council over the years to ensure the protection of Palestinians in accordance with the Fourth Geneva Convention have not been adopted, owing to a lack of consensus among the permanent members. However, on 20 December 1990, the Security Council, in resolution 681 (1990) unanimously requested the Secretary-General to make new efforts on an urgent basis to monitor and observe the situation of Palestinian civilians under Israeli occupation and urged Israel to apply the Convention to all occupied territories. Israel has rejected the legal applicability of the Convention, while stating that it respects it de facto.

CHR Special Rapporteur appointed, 1993

In February 1993, for the first time, the United Nations Commission on Human Rights decided to appoint a "Special Rapporteur on human rights violations in the occupied Arab territories, including Palestinian territories". A former president of Switzerland, René Felber, was appointed as the first Special Rapporteur, serving from 1993-1995.

In December 1993, Mr. Felber became the first person with an official mandate from the Commission on Human Rights to be invited to visit the occupied Palestinian territory. He did so in January 1994, and was able to talk freely with the persons he wished to see. In his report on the visit, the Special Rapporteur called on

both Israeli and Palestinian authorities, as a matter of priority, to "take measures to contain the violence, which may pose the most serious threat to the peace process".

On 25 February 1994, the killing of some 30 Palestinian worshippers in the Mosque of Ibrahim in Hebron by an Israeli settler, following attacks against settlers by Palestinians, was universally condemned and caused great concern for the future of the peace process, renewing calls for some form of international protection for Palestinians. Reacting to the massacre, the Security Council on 18 March 1994 called for measures to guarantee the safety and protection of Palestinian civilians throughout the occupied territories, including a temporary international or foreign presence. Strongly condemning the massacre, the Council called upon Israel to continue to take measures, including the confiscation of arms, to prevent illegal acts of violence by Israeli settlers.

Against the backdrop of rising violence in the region, the third Special Rapporteur, Giorgio Giacomelli of Italy, visited the occupied Palestinian territory in 1999. In his report, submitted to the Commission on Human Rights in March 2000, he noted that Israeli occupation forces frequently carried out punitive demolitions of Palestinian homes. The enjoyment of fundamental human rights and freedoms by the Palestinians in the occupied territory was also severely curtailed by measures such as closures, which separated parts of the occupied territory, including East Jerusalem, from each other as well as from Israel. Such closures had been systematically imposed since 1993, he noted.

Human Rights Commissioner's visit to the occupied territory, 2000

In November 2000, Mrs. Mary Robinson became the first United Nations High Commissioner for Human Rights to visit the occupied territory. This followed a resolution adopted at the fifth special session of the Commission on 19 October 2000 requesting the High Commissioner to undertake an urgent visit to the occupied territory to take stock of the violations of the human rights of the Palestinian people by Israel.

In her report, submitted on 29 November 2000, Mrs. Robinson noted that the human rights situation in the Palestinian territory was bleak. "The most persistent allegation brought to the attention of the High Commissioner was that Israeli security forces have engaged in excessive force, disproportionate to the threat faced by their soldiers." To disperse demonstrations, the High Commissioner noted, the

Israeli military authorities had used live ammunition, rubber-coated steel bullets and tear gas, all of which had resulted in deaths and injuries amongst Palestinians. Heavier weapons had also been used, including rockets fired by infantry and from helicopters. Armoured vehicles and heavy machine guns had been deployed throughout the Gaza Strip and the West Bank.

The United Nations Commission on Human Rights, which held its fifty-seventh session in April 2001, expressed grave concern "at the deterioration of the human rights and humanitarian situation in the occupied Palestinian territory". It condemned "the disproportionate and indiscriminate recourse to force, which cannot but aggravate the situation and increase an already high death toll". The Commission also called upon Israel "to desist from all forms of violation of human rights in the occupied Palestinian territory, including East Jerusalem, and other Arab territories, and to respect the bases of international law, the principles of international humanitarian law, its international commitments and the agreements it signed with the Palestine Liberation Organization".

Human rights under the Palestinian Authority

The Palestinian Authority had declared its commitment to the protection of human rights throughout its area of control. However, in both his 1997 and 1999 reports, the then Special Rapporteur of the United Nations Commission on Human Rights on extrajudicial, summary or arbitrary executions said it had been brought to his attention that in certain detention centres in the Gaza Strip and the West Bank systematic torture and ill-treatment were alleged to be taking place. Members of the Palestinian Preventive Security Service and the naval police, as well as members of the intelligence service, appeared to have been involved in the reported cases of deaths in custody. In addition, the Special Rapporteur said that in some cases, even when those responsible for the deaths had been brought to justice, information regarding the circumstances of the persons' deaths had not been made public. He further noted that the Palestinian Authority was reported to have imposed death sentences after proceedings in which the defendants did not fully benefit from the rights and guarantees for a fair trial contained in the pertinent international instruments.

On the other hand, in his survey on the rule of law in the territories under Palestinian Authority control in 1999, the United Nations Special Coordinator in



The wall at Qalandiya checkpoint in the West Bank. Photo: John Torday for UNRWA

the Occupied Territories, Chinmaya Gharekhan, reported that during the previous five years, the international effort to provide developmental support to the West Bank and Gaza Strip had increasingly focused on strengthening the Palestinian legal sector and justice system. Attention to this sector had come amidst a growing recognition on the part of the international community, as well as Palestinian legal institutions and civil society, of the importance that the rule of law plays in ensuring the sustainability of many other forms of developmental assistance. The frequent abuses of jurisdiction and of human rights were also reported in relation to the State Security Court system.

As part of this international effort, in 1996 the Office of the High Commissioner for Human Rights (OHCHR) began a two-year technical cooperation project, implemented through the Ministry of Planning and International Cooperation of the Palestinian Authority. OHCHR's initial work focused on the integration of international human rights standards into legislative processes and human rights training for law enforcement agencies. Since then, it has invested in developing Palestinian partnerships to ensure that its initiatives are in line with Palestinian needs and priorities, and are geared towards sustainability. OHCHR Palestine has prioritized support for the administration of justice and rule of law in line with the Palestinian Authority's own reform programme. It has also supported the work of the National Human Rights Institution (Palestinian Independent Commission for Citizens' Rights - PICCR). Promotion of human rights education in both formal and informal sectors remains a priority. More recently, OHCHR Palestine has

been working closely with United Nations agencies and Palestinian civil society, particularly human rights and women's non-governmental organizations, to promote human rights in all aspects of Palestinian society.

The effect of the "barrier/wall"

In June 2002, following the second intifada and the waves of terrorist attacks, Israel began construction of a "barrier", which it states is a temporary measure to protect Israeli civilians. In some places, it consists of a high concrete wall, in others, a fence, accompanied by a system of trenches, military patrol roads, gates and checkpoints (the Gaza Strip had already long been enclosed by a system of fences, checkpoints and border crossings.) With a projected length of more than 700 kilometres, and in places jutting into occupied Palestinian territory and isolating villages and towns in the West Bank from each other and from the outside world, it was feared that the "barrier" would have a devastating effect on the Palestinian economy.

In December 2003, reconvening its tenth emergency special session, the General Assembly adopted a resolution asking the International Court of Justice (ICJ), the principal judicial organ of the United Nations, to rule on the legality of the "wall" being built by Israel in the occupied Palestinian territory. In July 2004, the ICJ issued an advisory opinion finding that the construction of the "wall", where it veered into the occupied Palestinian territory, constituted a "breach of Israel's obligations under applicable international humanitarian law and human rights instruments". Construction by Israel of the "barrier" continued, despite the ICJ advisory opinion (see UN Facts, on p. 69).

In July 2004, the General Assembly adopted a resolution requesting the Secretary-General to establish a "Register of Damage Caused by the Construction of the Wall in the occupied Palestinian territory" and setting up an Office for the Register of Damage. In May 2007, the Secretary-General appointed three international experts as independent members of the Board of the Office, as requested by the resolution, to begin the work of establishing and maintaining the Register.

In his report to the Human Rights Council in January 2007, Special Rapporteur John Dugard forecast that, if the "barrier" was completed as planned, 60,500 Palestinians living in 42 villages and towns would end up residing in "closed areas", requiring permits for access to their places of residence, and that more than 500,000 Palestinians, who live within a one-kilometre-wide strip to the east of the "barrier",

would need special permits to cross it to reach their farms and jobs and maintain family contacts. The United Nations Office for the Coordination of Humanitarian Assistance (OCHA) estimated in November 2006 that 60 per cent of Palestinian farming families could no longer access their lands on the other side of the wall.

Visits by thematic Special Rapporteurs

Four thematic Special Rapporteurs visited Israel and/or the occupied Palestinian territory between 2002 and 2006. The Special Rapporteur on adequate housing, Miloon Kothari, visited the territory in January 2002 and reported to the Economic and Social Council that "the Israeli occupation has had a devastating impact on the Palestinians' housing and living conditions and that Israel bears legal responsibility". He was critical of the "policies of collective punishment", including land confiscations, punitive house demolitions and implantation of settlements and settlers. Following her visit to the territory in June 2004, the Special Rapporteur on violence against women, and its causes and consequences, Yakin Erturk, found a link between the Israeli occupation, the incidence of oppressive patriarchy in the Palestinian territory and the belittlement of women's struggle to eliminate violence against women. She called on the Israeli Government to ensure the rights and protection of Palestinian civilians, while observing international human rights and humanitarian law in undertaking security measures. She also recommended that the Palestinian Authority promote women's rights.

During his mission to the occupied territory in July 2003, the Special Rapporteur on the right to food, Jean Ziegler, found that over 50 percent of Palestinians were dependent on food aid, and that humanitarian access was frequently restricted due to the security measures imposed by Israel, including curfews, road closures, permit systems and security checkpoints. The Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilana, visited Israel in October 2006. She found that while the Government of Israel respected the rights of Israeli human rights defenders, human rights organizations faced difficulties in promoting and protecting the rights of minorities, including the Arab and Palestinian communities in Israel. In the occupied Palestinian territory, the Rapporteur found that the Israeli occupation resulted in conditions which placed human rights defenders at great risk, one which was compounded by the failure of the Palestinian Authority to respect human rights and the rule of law in the areas under its control.

Actions by Human Rights Council and Human Rights Commissioner, 2006

The Human Rights Council, which replaced the Commission on Human Rights in June 2006, called a special session on 5-6 July 2006. The session was triggered by the Israeli military operation in the Gaza Strip following the capture by Palestinian militants of Israeli soldier Gilad Shalit on 25 June and the continued firing of Qassam rockets into Israel. The Israeli operation caused numerous deaths and injuries, as well as the destruction of homes, agricultural land and infrastructure. The Council decided in a split vote to dispatch the Special Rapporteur on the occupied Palestinian territory to undertake a fact-finding mission on the human rights situation in the territory. In his report to the second session of the Human Rights Council on 26 September, the Special Rapporteur, John Dugard, described the Israeli military operation as a "large-scale violation of human rights and international humanitarian law." He added that Israel had violated the prohibition on the indiscriminate use of military power against civilians and civilian objects, and that the situation in the West Bank had also deteriorated.

The Human Rights Council convened the third special session on 15 November 2006 in response to the killing of 19 Palestinians by Israeli shelling in Beit Hanoun in the Gaza Strip on 8 November, and decided to dispatch a high-level fact-finding mission. This mission and the fact-finding mission established by the Council in its first special session were unable to carry out their mandates, as Israel did not consent to the missions. The fact-finding mission to Beit Hanoun requested by the General Assembly on 30 November did not materialize, either.

The Human Rights High Commissioner, Louise Arbour, however, was invited to visit Israel and the occupied Palestinian territory from 19 to 23 November 2006. During her visit, the High Commissioner highlighted international law-based rights and obligations, particularly regarding accountability and the protection of civilians. She said that her talks with both Palestinians and Israelis affected by the violence made apparent "their profound sense of frustration and abandonment, and that this situation was particularly acute in the occupied Palestinian territory, whose people found that virtually all their rights were being denied both individually and collectively, chronically and critically. She noted the severe impact that the barrier and the system of checkpoints, road blocks, trenches and earth mounds was having on family life and economic life, on the quality of life and human dignity in the West Bank.

During her visit, the High Commissioner also impressed upon Palestinian President Mahmoud Abbas the responsibility of the Palestinian Authority to exhaust every legitimate means of law enforcement to ensure an end to the firing of Qassam missiles and to bring those who launched them to justice. She said that a lasting political solution grounded in the realization of the Palestinians' right to self-determination and in the right of both Israelis and Palestinians to live in safety within internationally recognized, secure borders was required. In the meantime, however, human rights could not be put on hold.

Closures, access issues and the separation barrier / wall

The freedom of movement of Palestinians continued to be severely restricted in 2006. The main Erez crossing between the Gaza Strip and Israel, which is used by Palestinian labourers and traders, was open only for the first two and a half months; the southern crossing between the Gaza Strip and Egypt, at Rafah, was open only for the first half of the year and for a total of a month in the second half. Freedom of movement within the Gaza Strip was further limited by Israeli military activities, and, in early 2007, by Palestinian inter-factional clashes. Following the Hamas takeover of the Gaza Strip in June 2007, both northern and southern crossings were closed. These closures and restrictions hindered access by ordinary Gazans to schools, hospitals and places of work. The West Bank was effectively trisected by barriers; movement between the northern, central and southern regions, and among the various enclaves within them that were also sealed off by barricades, was strictly controlled by a permit system.

In December 2006, after months of violence and amidst a mounting humanitarian crisis affecting the Palestinians in the Gaza Strip, the Special Rapporteur on the situation of human rights in the Palestinian territories visited the occupied Palestinian territory. In his report to the Human Rights Council in January 2007, Special Rapporteur John Dugard said that "the siege of Gaza is a form of collective punishment in violation of the Fourth Geneva Convention", and that "the indiscriminate use of military power against civilians and civilian targets has resulted in serious war crimes". He also wrote that the Qassam rocket attacks into Israel from the Gaza Strip "cannot be condoned and clearly constitute a war crime", but that "Israel's response has been grossly disproportionate and indiscriminate and resulted in the commission of multiple war crimes". After Mr. Dugard's report

was presented to the Human Rights Council in Geneva in March 2007, the Israeli Permanent Representative decried it as "one-sided" and questioned the "inequitable mandate" of the Special Rapporteur.

In May 2007, the World Bank reported that restrictions on movement and access in the West Bank were causing "uncertainty and inefficiency in the Palestinian economy". It said that "freedom of movement and access for Palestinians within the West Bank is the exception rather than the norm" – contrary to agreements between the Government of Israel and the Palestinian Authority, including the Road Map, which, it said, "were based on the principle that normal Palestinian economic and social life would be unimpeded by restrictions". The report said it appeared that more than half of the total area of the West Bank was affected by access restrictions, with Palestinians barred from some 41 sections of roads covering approximately 700 kilometres in distance. The restricted area included much of the Jordan Valley, and Palestinians owning land or businesses there required special Israeli permits to enter that area.

Also in May 2007, the International Committee of the Red Cross, which has a permanent mandate under international law to take impartial action for prisoners, the wounded and sick, and civilians affected by conflict, made a demarche to Israel, by which, according to a news media, it criticized Israel for disregarding its obligations under international humanitarian law and said that the construction of the barrier, the establishment of Israeli settlements beyond the expanded municipal boundaries of Jerusalem and the creation of a network of roads linking Israeli settlements were reshaping the development of the Jerusalem metropolitan area with far-reaching humanitarian consequences.

The Special Rapporteur on human rights and counter-terrorism, Martin Scheinin, following his mission to Israel and the occupied Palestinian territory in July 2007, expressed grave concern about the practices surrounding the route of the barrier and other security measures which "bear a substantial risk of negative and counter-productive affects", in effect creating conditions conducive to the spread of, and recruitment to, terrorism. He also identified Israel's policy of targeted killings of suspected terrorists as a particularly problematic area in the overlap between armed conflicts and policing, akin to extrajudicial execution.

UN Facts

ICJ Advisory Opinion on Construction of Wall

Following are excerpts from an official summary of the Advisory Opinion rendered by the International Court of Justice at The Hague, in which the Court found that the construction by Israel of a wall in the occupied Palestinian territory and its associated régime are contrary to international law. It states the legal consequences arising from that illegality. This press communiqué, the summary of the Advisory Opinion and the latter's full text can be accessed on the Court's website: www.icj-cij.org.

The International Court of Justice (ICJ), principal judicial organ of the United Nations, has today (9 July 2004) rendered its Advisory Opinion in the case concerning the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (request for advisory opinion). In its Opinion, the Court finds unanimously that it has jurisdiction to give the advisory opinion requested by the United Nations General Assembly and decides by fourteen votes to one to comply with that request.

The Court responds to the question as follows:

"A. By fourteen votes to one: The construction of the wall being built by Israel, the occupying Power, in the occupied Palestinian territory, including in and around East Jerusalem, and its associated régime, are contrary to international law";

"B. By fourteen votes to one: Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion";

"C. By fourteen votes to one: Israel is under an obligation to make reparation for all damage caused by the construction of

the wall in the occupied Palestinian territory, including in and around East Jerusalem";

"D. By thirteen votes to two: All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention";

"E. By fourteen votes to one: The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated régime, taking due account of the present Advisory Opinion."

Chapter 8

Social and economic conditions of the Palestinian people



On October 17, 2007, in a refugee camp school in Gaza City, hundreds of children stood up together and shouted with one voice: "No to Poverty". Photo: UNRWA

”Building a public administration under the Palestinian Authority

The establishment of the Palestinian Authority (PA) in 1994 gave the Palestinian people in the Gaza Strip and West Bank the opportunity to develop their own governing institutions for the first time. In 1996, elections were held for the Palestinian Legislative Council (PLC) as well as for President of the Palestinian Authority. The PLC was given the authority to draft legislation, including the Basic Law, which provided for a system based on free-market principles, the right to private ownership of property, independent dispute resolution and the rule of law.

With the help of the United Nations, international multilateral and bilateral donors and non-governmental organizations, the Palestinian Authority established government ministries – including those for health, education, economy and trade, culture, tourism, environment, finance and social affairs — as well as the other institutional elements of a State. The physical separation of the West Bank and Gaza Strip and continuing Israeli restrictions on travel between them in some cases necessitated the creation of duplicate institutions in the two occupied territories.

Despite the complicated political environment, considerable efforts and resources were spent on the economic and social development process in the occupied Palestinian territory, including:

- The expansion and improvement of basic infrastructure;
- Institutional and individual capacity building;
- Creation of an enabling environment for the growth and development of a private, free-market economy;
- Development of the rural economy and municipalities;
- The signing of trade agreements and development of international trade; and
- Skills training for the workforce.

Social development under the Palestinian Authority

The establishment of the Palestinian Authority led to the rapid development of Palestinian social institutions. To a great extent, this built on the work of the many voluntary and non-governmental organizations that had sprung up during decades under occupation. From the ranks of these bodies – many of them supported by international charitable and social-development organizations – there quickly emerged a local leadership with the experience and skills needed to start fashioning the institutions of civil society. Among the areas of priority for Palestinian institution-building were education, health care and legal and human rights, with a special emphasis on women and children.

Women: Palestinian women, who played an active role during the first intifada, remained involved after the establishment of the Palestinian Authority. Women's organizations and human rights groups drafted a bill of women's rights following the release of the Palestinian Draft Basic Law and focused on procedural and administrative law important for its implementation. Women activists undertook a legal analysis of existing laws from a gender perspective and a review of their implementation, which was included in a handbook for legal literacy training. The Women's Affairs Technical Committee, set up by the Palestinian Authority, became a forum for the concerns expressed by women's NGOs and dealt with the mainstreaming of gender issues in development policies. A Gender Mainstreaming Department was established within the Ministry of Planning. In the first Palestinian elections on 20 January 1996, women's organizations undertook their

own preparations, and according to the Central Election Commission, 49 per cent of the registered voters were women. Five women, representing 5.6 per cent of the membership, were elected to the Palestinian Legislative Council in the 1996 elections. In the January 2006 PLC elections, 47 per cent of the registered voters were women, and 17 women were elected to the PLC, comprising 12.8 per cent of the membership. Still, despite high levels of enrolment of women at all stages of education, the participation of women in the Palestinian labour force remained low – less than 15 per cent of total workers, according to the Palestinian Central Bureau of Statistics, and by September 2006, nearly a quarter of the female labour force was unemployed.

Education: All of the measures employed by the Palestinian Central Bureau of Statistics (PCBS) indicated a steady increase in the number of students, teachers and schools since the start of the Palestinian Authority regime. However, with the continuing political crisis, that progress has been placed in serious jeopardy. Because of constraints on funding of the Palestinian Authority (which employs all public school teachers and administrators), workers in education, as in other sectors, have gone many months without being paid. Also, many Palestinian children and youths have seen their schooling disrupted by systematic restrictions on movement and were unable to reach their schools on a regular basis. The Palestinian Authority Ministry of Education introduced a new Palestinian curriculum in 2000, replacing the Jordanian and Egyptian curricula that had been used since 1967. In the 2005/2006 school year, more than one million young Palestinians, more than half of them female, were enrolled in Government, private and United Nations Relief and Works Agency (UNRWA) schools in the West Bank and Gaza Strip.

Economic development under the Palestinian Authority

In April 1994, Israel and the Palestinians signed the "Paris Protocol" governing economic relations – including the movement of goods and labour – between the Palestinian territories and Israel. However, with the new controls in place, a new system of Israeli border restrictions and closures of the territories, on stated security grounds, greatly limited Palestinian freedom of movement and further constrained economic activities.

The presentation by the Palestinian Authority of the first three-year Palestine Development Plan in 1998 marked a major milestone. However, with a small, open

economy and limited natural resources, the Palestinian territories depended for long-term development on significant export activity and reliance on their human resources. Thus the development of a trade infrastructure and freer access to regional markets via the Israeli-controlled border crossings were needed to allow the West Bank and Gaza Strip to activate and benefit from free trade agreements with the European Union, the United States and neighbouring countries and to improve employment prospects. Greater export activity would also stimulate growth in economic activities not directly involved in export, such as construction and many services. Political stability, and freer movement, would also permit the better utilization of cultural assets through tourism.

By the time the second (Al-Aqsa) intifada began in September 2000, the Palestinian economy had finally turned the corner from the previous episode of crisis-induced economic downturn after three years of recovery. Studies by the Palestinian Central Bureau of Statistics indicated that since the start of the peace process, there had been a steady increase in labour-force participation and a decrease in the total unemployment rate, at least through the last quarter of 2000. Then, due to the heightened political crisis and increased border closures, both of those trends were dramatically reversed. The crisis diverted the donor community's attention away from development projects that were designed to improve the economy's supply capacity for emergency job creation and budgetary support.

A 2001 report by the United Nations Special Coordinator for the occupied Palestinian territory on the social and economic impact of the continuing conflict and closure policy said the combination of border closures, internal movement restrictions and the closing of the international borders constituted the most severe and sustained set of movement restrictions imposed on the occupied Palestinian territory since the beginning of the occupation in 1967. Citing a field survey conducted by the Palestinian Central Bureau of Statistics, the Special Coordinator noted: "On average, the direct economic losses were estimated at 50.7 per cent of GDP produced in the period October-November 2000".

External donors, mobilized with the assistance of the World Bank, stepped in to provide budget support to the Palestinian Authority, and, after hitting a low point in 2002, the Palestinian economy began to recover in 2003. It was estimated that GDP grew by 5 per cent in 2005, surpassing the 1999 level. However, according to a July 2006 report by the United Nations Conference on Trade and Development

(UNCTAD), much of the growth from 2002-2005 was driven by injections of "net current transfers", principally donor funding, in the amount of some $1.3 billion, or about one-third of annual GDP.

The Palestinian legislative elections at the beginning of 2006 marked a turning point for the Palestinian economy as well as for political life in the occupied territories. Major external donors, including the United States and the European Union, announced that they would not deal with a Hamas-led Government, and would suspend financial and economic assistance to the Palestinian Authority until the Palestinian Authority Government agreed to recognize Israel, renounce violence and adhere to agreements already negotiated. At the same time, Israel halted the repayment of customs and tax revenues, from Palestinian export trade and from the wages of Palestinians employed in Israel, which it had been withholding.

A political impasse took hold, with severe economic consequences for the Palestinian people. Poverty rates and food insecurity were on the rise. Restrictions on the movement of Palestinian goods, workers, businessmen, officials and public-service providers intensified. By September of 2006, a wave of strikes by public-sector employees, protesting the non-payment of their salaries by the cash-strapped Palestinian Authority, swept across the territories, and United Nations agencies warned of an impending humanitarian disaster (*see Chapter 9, below*). It was in an effort to forestall worsening instability that the Quartet agreed in June 2006 on a "Temporary International Mechanism" to permit the transfer of funds directly to Palestinians and Palestinian institutions without their passing to or through the Palestinian Authority.

In its July 2006 report on assistance to the Palestinian people, UNCTAD said "the development prospects of the economy of the occupied Palestinian territory today face unprecedented challenges". In stark terms, it went on:

> "The 'viability' of the Palestinian economy, a *sine qua non* for realizing the vision of a State of Palestine coexisting peacefully with Israel in a post-occupation era, has been challenged. In addition to the threatened breakdown of central government functions, including vital social services, and donor restrictions following the election of a new Palestinian Authority Legislative Council, there appears to be little momentum left to sustain the achievements of the Israel-Palestine accords since 1993."

Without urgent attention to the core issues affecting Palestinian economic performance, the UNCTAD report concluded, "the adverse path of dependence that emerged under Israeli occupation will only deepen and further imperil the prospects for sustained development of the Palestinian economy".

At the end of 2006, the World Bank reported that real GDP per capita had declined by between 5 and 10 per cent in the Palestinian territories in 2006, a reversal of a three-year recovery from the impact of the second intifada. However, the Bank said, direct donor support through the Temporary International Mechanism and other subventions had resulted in an increase in assistance to the Palestinians as a whole (outside of Palestinian Authority channels), which had sustained the economy. Emergency and humanitarian assistance had also increased in 2006, while development aid had declined. The Bank said the increase in donor assistance had not offset the impact caused by Israel's continuing to withhold some $360 million in customs and tax revenues due to the Palestinian Authority. By the beginning of 2007, the Palestinian economy was, according to a UNDP summary, "on the verge of collapse with only international aid stemming a possible total breakdown".

UN Facts

World Bank report on movement and access restrictions

Following is the Executive Summary of a report on "Movement and Access Restrictions in the West Bank", prepared by a technical team of the World Bank, and published on 9 May 2007. The entire report is available at www.worldbank.org.

Movement and Access Restrictions in the West Bank: Uncertainty and Inefficiency in the Palestinian Economy

Beginning in December 2004, when all parties (including the Government of Israel (GOI) and the Palestinian Authority (PA)) agreed that Palestinian economic revival was essential, that it required a major dismantling of today's closure regime and that closure needed to be addressed from several perspectives at once, the World Bank has played a leading role in providing balanced analysis and proposals which draw on the Bank's worldwide

experience, but are realistic in the context of the Israeli-Palestinian situation. This note looks, in particular, at the situation within the West Bank which is experiencing severe and expanding restrictions on movement and access, high levels of unpredictability and a struggling economy.

Currently, freedom of movement and access for Palestinians within the West Bank is the exception rather than the norm contrary to the commitments undertaken in a number of Agreements between GOI and the PA. In particular, both the Oslo Accords and the Road Map were based on the principle that normal Palestinian economic and social life would be unimpeded by restrictions. In economic terms, the restrictions arising from closure not only increase transaction costs, but create such a high level of uncertainty and inefficiency that the normal conduct of business becomes exceedingly difficult and stymies the growth and investment which is necessary to fuel economic revival.

The Oslo Accords provided that the movement of people and vehicles in the West Bank "will be free and normal, and shall not need to be effected through checkpoints or roadblocks." The Roadmap specified that GOI would take measures to improve the humanitarian situation including easing restrictions on movements of persons and goods. The fact that movement restrictions continued apace and resulted in greater economic hardship is evidenced by the need for a third agreement between the parties in November 2005 — the Agreement on Movement and Access (the AMA) — with the sole aim of "facilitat[ing] the movement of goods and people within Palestinian Territories". While recognizing that Israel had legitimate reasons to take steps to protect its citizens from violence, it was likewise recognized that this could not take place against the backdrop of Palestinian economic hardship and collapse. In particular, the AMA provided that, "consistent with security needs Israel will facilitate the movement of people and goods within the West Bank and minimize disruption to Palestinian lives". The common basis for all these undertakings is the acknowledgement that without efficient and predicable

movement of people and goods, there is very little prospect for a sustainable Palestinian economic recovery. Furthermore, it recognizes that the relationship between Palestinian economic growth and stability and Israeli security remain unarguable and of fundamental importance to both societies' well-being.

In the West Bank, closure is implemented through an agglomeration of policies, practices and physical impediments which have fragmented the territory into ever smaller and more disconnected cantons. While physical impediments are the visible manifestations of closure, the means of curtailing Palestinian movement and access are actually far more complex and are based on a set of administrative practices and permit policies which limit the freedom of Palestinians to move home, obtain work, invest in businesses or construction and move about outside of their municipal jurisdiction. These administrative restrictions, rooted in military orders associated with the occupation of West Bank and Gaza (WB&G), are used to restrict Palestinian access to large segments of the West Bank including all areas within the municipal boundaries of settlements, the "seam zone", the Jordan Valley, East Jerusalem, restricted roads and other 'closed' areas. Estimates of the total restricted area are difficult to come by, but it appears to be in excess of 50% of the land of the West Bank. While Israeli security concerns are undeniable and must be addressed, it is often difficult to reconcile the use of movement and access restrictions for security purposes from their use to expand and protect settlement activity and the relatively unhindered movement of settlers and other Israelis in and out of the West Bank.

While GOI has shown a willingness to consider a relaxation of specific restrictions, including the provision of several hundred permits to unique categories of Palestinians such as businessmen, or the removal of certain physical impediments, incremental steps are not likely to lead to any sustainable improvement. This is because these incremental steps lack permanence and certainty and can be easily withdrawn or replaced by other restrictions. Moreover, sustainable economic recovery will remain elusive if large areas of

the West Bank remain inaccessible for economic purposes and restricted movement remains the norm for the vast majority of Palestinians and expatriate Palestinian investors. Only through a fundamental reassessment of closure, and a restoration of the presumption of movement, as embodied in the many agreements between GOI and the PA, will the Palestinian private sector be able to recover and fuel sustainable growth.

Chapter 9

The United Nations role in development of the Palestinian territory



The Women's Centre in the West Bank village of Talfeet provides Palestinian women with training in a range of disciplines, including sweing and embroidery, bookkeeping and business management. Photo: UNDP-PAPP

Through a number of its humanitarian and developmental bodies, the United Nations has been assisting the Palestinian people for more than five decades, since long before the peace process began and the Palestinian Authority was established. United Nations agencies and programmes present in the occupied Palestinian territory operate in a number of areas to assist the Palestinian people, directly and through local governmental and non-governmental institutions. While the work of many of these agencies is multi-disciplinary, their main focus may be broken down into a number of areas of humanitarian, social and economic assistance:

Palestine refugees: Apart from the post-1948-war truce-monitoring organization, UNTSO (*see Chapter 2, above*), the United Nations body with the longest history in the area is UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East. UNRWA was established by the General Assembly at the end of 1949 and began operations in 1950 (*see Chapter 10*). UNRWA has Field Offices and extensive facilities in the West Bank and

Gaza Strip, as well as in Jordan, Syria and Lebanon, and the executive offices of its headquarters have been situated in Gaza City since 1996. As of March 2007, UNRWA employed some 14,400 local staff members in the occupied Palestinian territory, virtually all of them Palestine refugees themselves. Supported by a small number of international staff, they provide education, health care, relief and social services, and micro-finance/micro-enterprises activities to some 1.74 million registered Palestine refugees in the Gaza Strip and West Bank, including East Jerusalem. Since 1988, UNRWA has operated a variety of emergency interventions – including food aid, medical care, income-generation and other works programmes – in response to the turbulence surrounding the first and second intifadas.

Infrastructure development: In its resolution 33/147 of December 1978, the General Assembly called on the United Nations Development Programme (UNDP) to provide assistance to the Palestinian people, in response to which UNDP established its Programme of Assistance to the Palestinian People (PAPP), which began operations in 1980 and has been working in the occupied Palestinian territory ever since. One of the largest UNDP programmes worldwide, PAPP is unique in that it relies on international donors for principal funding of specific activities, with UNDP providing only a modest level of core support. In the West Bank and Gaza Strip, UNDP/PAPP supports small and medium capital-development projects, such as the construction of schools, health facilities, roads, waste treatment plants and waterworks. In contrast to its general practice elsewhere in the world, UNDP, through PAPP, undertakes the main responsibility for the design and implementation of projects it supports in the occupied Palestinian territory, rather than delegating execution to other organizations – a policy deemed necessary at the start of the programme, when no Palestinian government existed. In recent years, responsibility for project design and implementation has been carried out, wherever possible, by Palestinian partner institutions operating under UNDP's rules of transparency and accountability. The head of PAPP also serves as the UNDP Special Representative in the occupied Palestinian territory, with two deputies for programming and operations.

Children and women: The United Nations Children's Fund (UNICEF) works with a broad range of local and international partners to help build an environment that is fit for children. UNICEF staff in Jerusalem, Gaza, Jenin, Hebron and Nablus strive to nurture children's rights to health, education, protection and participation, targeting the most vulnerable Palestinian children and women for assistance. The

United Nations Development Fund for Women (UNIFEM) supports projects in the occupied Palestinian territory to help rural women increase their educational and employment opportunities, to establish "psychosocial teams" and legal-defence centres to help protect against violence and abuse of children and women, to assist women's food-production units and to provide assistance to Palestinian female prisoners and detainees. UNIFEM has also implemented projects aimed at building the capacity of the interministerial commission for the advancement of women, the General Union of Palestinian Women and the NGO network to implement their mandate according to the Beijing Platform for Action. As the level of violence in the occupied territories increased starting in 2006, UNIFEM warned that "with the continuation of this situation, the devastation of women's lives and their psychological wellbeing will become permanent and any efforts to redeem these effects will become futile". UNIFEM also promotes credit to women through its solidarity group lending programme, which provides loans solely to women-owned microenterprises.

Children as victims: United Nations humanitarian agencies have decried the particular impact of the violent atmosphere in the occupied territories on Palestinian children, who were being deprived of their rights to education, proper health care, safe water and sanitation, opportunities for play and recreation, and protection from all forms of abuse due to the virtually continuous state of unrest. Palestinian children were also robbed of the right to life in unprecedented numbers: more than 120 children were killed across the occupied territory in 2006 (more than twice the number killed in clashes in 2005) and in local inter-factional clashes in early 2007, at least 10 Palestinian children were killed and many more were injured in the Gaza Strip alone, according to UNICEF.

Food security: Starting in 2002, the United Nations World Food Programme (WFP) launched a series of emergency operations that provided food assistance to the non-refugee population of the occupied Palestinian territory *(see: A humanitarian crisis, below)*. In the West Bank and Gaza Strip, WFP's activities included general distributions of relief food assistance, "food-for-work" and training programmes to strengthen the livelihoods of the most vulnerable – particularly rural communities suffering from limited job opportunities, restrictions on movement and destruction of food assets. WFP coordinated its activities with the United Nations Food and Agriculture Organization (FAO), with UNRWA (which carried out emergency food distributions to more than one million Palestine refugees), and with other

partners on food security, and with UNICEF and the World Health Organization (WHO) on nutritional surveillance.

A WFP/FAO assessment released in March 2007 indicated that despite the beneficial effects of food aid, 34 per cent of the population remained "food insecure", with a further 12 per cent vulnerable to becoming food insecure; while rural areas had been the most in need, Palestinian urban areas were becoming increasingly affected. Under its two-year operation running through August 2007, WFP was assisting 600,000 non-refugee Palestinians with 194,000 metric tons of food, at an overall cost of $103 million. To combat malnutrition, UNICEF and its partners raised awareness of the importance of breastfeeding and advocated flour fortification and salt iodization.

Health: The World Health Organization (WHO) works with the Ministry of Health and with UNRWA to help improve and preserve accessibility to primary and secondary medical care for refugee and non-refugee populations. At the end of 2006, WHO said the prevailing imposition of curfews and increasing numbers of checkpoints and roadblocks were hindering access to health-care services for health workers and patients alike. UNRWA provides community-based health care to refugees through a network of 37 primary health-care facilities in the West Bank and 18 in the Gaza Strip. Employing 2,700 medical staff, the Agency's clinics in the occupied territories see some 5 million patients a year. The 238-bed European Gaza Hospital, a joint project between UNRWA, the European Union and the Palestinian Authority, became fully operational in October 2000 and was handed over to the Ministry of Health. In partnership with the Ministry of Health, UNICEF has vaccinated 650,000 children against measles, mumps and rubella, and provided supplementary polio inoculations for 88,000 children.

Family health: Since 1986, the United Nations Population Fund (UNFPA) has provided demographic training, maternal and child health care and family planning guidance in the occupied territories. The Fund also helped to conduct the first population and housing census in the occupied Palestinian territory in 1997 and oversaw the delivery of reproductive health services in 76 clinics and the integration of reproductive health education and gender study into the 11th grade school curricula. The programme also helped to strengthen the human-resource and technical capacities of key Palestinian Authority institutions and NGOs working in the area of women's health. UNFPA and the OPEC Fund for

International Development also provided support to the Ministry of Health and the Palestinian Medical Relief Society for a 20-month project in early 2006 to strengthen the capacity of health providers to manage HIV/AIDS and sexually transmitted infections, with a special focus on adolescents and young people. In cooperation with the Ministry of Social Affairs, UNICEF provided training to nursery teachers in 12 districts in psychosocial health, first aid and evacuation.

Education: UNRWA is the largest United Nations contributor in the education sector, operating 285 elementary and preparatory schools for 250,000 refugee pupils in the Gaza Strip and West Bank, including East Jerusalem. Since the 1950s, UNRWA has also operated vocational training centres in the West Bank and Gaza Strip, and since the 1960s has run a residential training college for refugee women at Ramallah, in the West Bank. An UNRWA educational sciences faculty at Ramallah offers pre-service training leading to a first university degree for 600 trainees. UNICEF and its partners provided educational materials for 90,000 students and more than 900 "school-in-a-box" kits which allowed 70,000 children to continue their education even when barricades prevented them from reaching their schools. The United Nations Educational, Scientific and Cultural Organization (UNESCO) provided a range of technical assistance to the Ministry of Education.



Balata and Souref girl's schools, West Bank, November 2002
UNRWA photo by Steve Sabella

Water and sanitation: UNDP has invested more than $130 million, through its Programme of Assistance for the Palestinian People, to improve the quality and availability of water in the occupied Palestinian territory, where 13 per cent of the population do not have access to a supply of running water. UNDP, UNRWA and WHO have all been involved in projects designed to improve sewerage, drainage, storm water collection and water supply systems, guaranteeing clean water supplies to thousands of residents. UNICEF distributes families' water kits to help prevent outbreaks of diarrhoeal diseases.

Human rights: UNICEF supported the Ministry of Education in introducing parallel education as a preventive strategy against child labour. Several training workshops on the Convention on the Rights of the Child were held for teachers and social workers. UNICEF also provided technical and financial assistance for the drafting of the first Palestinian child rights charter. UNIFEM, through its women's human rights programme, provided support to initiatives from Palestinian NGOs on violence against women. With donor support, UNRWA has mainstreamed human-rights, tolerance and conflict-resolution teaching into its classes for Palestine refugee pupils, and its pioneering work in this area has been emulated by other education providers. The Office of the United Nations High Commissioner for Human Rights (UNHCHR) provided a range of training courses, documentation and materials for Palestinian Police Force commanders, officers and trainers, as well as for NGOs (*see Chapter 7*).

Poverty alleviation: UNDP's Programme of Assistance to the Palestinian People supports income-generation projects linked to its substantial infrastructure-development work in the occupied Palestinian territory. It has supported the Ministry of Planning's effort to document and monitor the extent of poverty in the occupied territories and to develop guidelines for poverty reduction. Poverty alleviation is also a major goal of UNRWA's microfinance and microenterprise programmes (*see Chapter 10, below*). For many years, UNRWA has also provided microcredit loans and skills training under its relief and social services programme, to lift refugee families, especially those headed by women, above the poverty line by opening new income-earning opportunities. The World Food Programme concentrated its development activities on poverty alleviation and social relief interventions, including a "protracted relief and recovery operation", which began in June 2000, for the alleviation of the effects of the economic crisis on the most vulnerable groups of the Palestinian non-refugee population, covering more than 100,000 people.

Institutional capacity building: UNDP/PAPP has sponsored a number of "good governance" projects to support the executive, judicial and legislative branches of the Palestinian Authority, as well as the private sector and civil society institutions such as the Palestinian news media. It has also supported the creation and functioning of the Palestinian elections commission. The United Nations Industrial Development Organization (UNIDO) ran an integrated support programme for Palestinian industry, including creating and training a team of experts from the Ministry of

Industry and the Palestinian Federation of Industries in the identification, assessment and selection of pilot enterprises for industrial upgrading. The International Labour Organization (ILO) assisted the Ministry of Labour and employers' and workers' organizations in capacity building and establishing a national strategy for the protection of workers from occupational hazards.

Long-term development: The World Bank has been active in infrastructure rehabilitation, institutional development, emergency assistance and longer-term development since 1993, when it established a Trust Fund for the Gaza Strip and the West Bank in 1993. Replenished five times since then, the trust fund has enabled the Bank to commit over $500 million to 34 projects, in the electricity sector, environmental management, water and solid waste treatment, among others. The Bank has also administered $860 million in other donor funds.

Coordination of United Nations activities

Since 1994, the Office of the United Nations Special Coordinator for the Middle East Peace Process, known as UNSCO, has served as the focal point for United Nations economic, social and other assistance to the Palestinian people in the occupied territories. From its inception, UNSCO aimed to provide overall strategic guidance to the United Nations programmes and agencies, both those represented on the ground in the West Bank and Gaza Strip and those based abroad and providing assistance. UNSCO facilitated coordination within the United Nations "family" to ensure that the overall approach to social and economic development was integrated and unified, and consistent with the priorities identified by the Palestinian Authority. UNSCO annually reports to the General Assembly on United Nations assistance to the Palestinian people and also represents the United Nations in donor coordination forums.

In September 1999, UNSCO's mandate was reconfigured, and Mr. Terje Roed-Larsen was reappointed as the "United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority". In addition to making appropriate preparation within the United Nations for enhancing United Nations development assistance in support of the peace process, the new Special Coordinator represented the Secretary-General with the concerned parties and the international community in all matters related to continuing United Nations

support to all tracks of the peace process. This role has continued until the present, with Alvaro de Soto of Peru succeeding Mr. Roed-Larsen in 2005, and serving until his retirement in May 2007, when he was succeeded by Michael Williams of the United Kingdom. Mr. Williams left his position and joined the British Government in September 2007. The Secretary-General appointed Mr. Robert H. Serry as the new Special Coordinator and his Envoy to the Quartet in December 2007.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) established a presence in the occupied Palestinian territory in 2000, and quickly undertook a vital information-gathering role on the various aspects of the crisis – closures, checkpoints, the separation barrier – that had an impact on Palestinian daily life and the work of United Nations agencies and international NGOs. As part of its mandate, OCHA leads the Consolidated Appeals Process (CAP) for resource mobilization. Eleven United Nations organizations, four international NGOs and the Palestine Red Crescent Society used this tool to appeal for funds in 2005 and 2006.

A humanitarian crisis: The United Nations responds



Food distribution in Beach refugee camp, Gaza Strip
Photo: UNRWA

Years of violent upheaval, political crisis and economic setbacks have resulted in a steady decline of living standards and increased levels of poverty and food insecurity in the occupied Palestinian territory. For the poorest Palestinians, access to adequate, affordable and nutritious food remains a daily challenge as a result of:

- Restrictions on movement, internal and external;
- Limited Palestinian control over natural resources, in particular water and agricultural land;
- Restricted access to local and international markets;
- Limited access of Palestinian labourers to their former places of work in Israel; and

- Low rates of economic production.

Unemployment levels have reached unprecedented levels. At the end of 2006, 28.4 per cent of the labour force of the occupied Palestinian territory was out of work – 39.6 per cent in the Gaza Strip and 23.4 per cent in the West Bank. By the end of 2006, an estimated 64 per cent of the population of the West Bank and nearly 80 per cent of the Gaza Strip were living at or below the poverty level (households earning less than $1 a day). An estimated 1.2 million Palestinians were living in "extreme poverty".

The worsening economic conditions created a humanitarian emergency, with hunger on the rise and, by early 2007, more than 70 per cent of the population of the Gaza Strip were dependent on food aid for their daily survival.

In November 2006, United Nations agencies operating in the occupied Palestinian territory launched a consolidated humanitarian appeal for 2007 (*see UN Facts, below, for a summary*). They sought $453.6 million for programmes addressing needs in four main areas: employment generation and food assistance; health and education; agriculture, water and sanitation, and monitoring needs for humanitarian protection.

In early 2007, as the security situation in the Gaza Strip continued to deteriorate, seven United Nations agencies working there issued a statement saying that the violence was putting their workers on the ground at serious risk. "It is becoming extremely difficult for us to fulfil our humanitarian mandates to alleviate the suffering of the Palestinian people," the statement said. "The implications of this for a population already facing extreme hardship are grave. We remain determined to continue with our humanitarian work."

Since 15 June 2007, when Hamas took control of the Gaza Strip, a combination of Israeli restrictions, the lack of donor funding and the lack of coordination between Palestinian bodies resulted in shortages in a number of areas in the Gaza Strip. The shortages included food, medicines, spare parts for critical health and water sanitation equipment, materials for humanitarian projects and raw materials for commerce and industry. By October 2007, according to the United Nations Office for the Coordination of Humanitarian Affairs, 20 per cent of essential drugs and 31 per cent of essential medical supplies were not available at all. While critical United Nations humanitarian supplies were being allowed into the Gaza Strip, only 41 per cent of Gaza's food import needs were being met. The public provider

of water and sanitation received only 50 per cent of the fuel it needed to operate its wells, water pumping stations and wastewater treatment plants. Humanitarian projects valued at $213 million were on hold. The lack of construction materials in the local market forced UNRWA to suspend eight housing and infrastructure projects worth more than $90 million.

UN Facts

Humanitarian Appeal 2007 for occupied Palestinian territory

Following is the Executive Summary of an appeal launched in November 2006, for 2007, by the United Nations agencies and programmes working in the occupied Palestinian territory:

Since the beginning of 2006, political, economic and social conditions have sharply deteriorated for Palestinians in the occupied Palestinian territory (oPt). A political impasse has taken hold, characterized by economic and military pressure by Israel including the withholding of Palestinian customs revenues, increasing divisions within the Palestinian Authority, and the diversion of direct international assistance away from key Palestinian Authority institutions.

Ordinary Palestinians have been the main victims of this crisis. Poverty rates stand at 65.8% and continue to rise; food insecurity has risen by 13% during 2006. Restrictions on the movement of Palestinian goods, workers, businessmen, officials and public service providers have intensified dramatically. A wave of public sector strikes, which swept across oPt in September 2006, has severely debilitated the delivery of public services, leading to the closure of public schools and hospital wards in the West Bank.

In Gaza, residents live in a war environment with almost daily Israeli military strikes from land, air and sea, which is further exacerbated by the firing of Palestinian rockets into Israel. Between 25 June and 12 October 2006, 261 Gazans died in this violence, 60 of them children – over ten times more than during the same period in 2005 (23). During the same period, two Israelis

were killed and 15 injured by home-made rockets fired out of the Gaza Strip.

The Gazan population is undergoing a virtual “siege” by historical standards. Normal market mechanisms have faltered and aid dependency has risen. Palestinian goods have consistently been unable to move out of the strip, businesses have closed and have moved elsewhere. Exports are a tiny fraction of what the Agreement on Movement and Access foresaw in November last year. Failing public security structures have given way to a dangerous fragmentation of armed factions and private militias. These have clashed with increasing frequency killing 64 people and resorted, according to United Nations field observations, to the increasing use of “traditional justice” within Gaza communities.

The number of checkpoints and roadblocks in the West Bank has increased by 40% through 2006. The West Bank is being divided into increasingly small pockets, the checkpoints diverting Palestinians off the main roads that are reserved for Israelis to reach their settlements. Jerusalem, the cultural and economic heart of Palestinian life, is open only for those who hold the correct permit which excludes the vast majority of Palestinians. And the Jordan Valley is now off-limits to all but a few Palestinians living there or working in Israeli settlements. In addition, over half of the 703 km-long barrier route has been constructed, despite the advisory opinion of the International Court of Justice, which declared the route in contravention of international law.

The international community has made genuine efforts to spare ordinary Palestinians the worst effects of the crisis by supporting the Temporary International Mechanism and by pledging increased humanitarian assistance at the Geneva and Stockholm conferences. Nonetheless, for most residents of the oPt, the situation at the end of 2006 was worse than in 2005 and holds little reason for hope in 2007. As explained in this document, the United Nations Country Team predicts that the current impasse will endure well into 2007.

In this context, reliance on United Nations emergency programmes is expected to rise. The Consolidated Appeal for 2007, set at US$453.6 million, focuses attention on the four main areas that are considered critical in sustaining livelihoods and preventing further decline:

1. Employment generation and food assistance will be enhanced to address the abrupt increases of poverty and food insecurity registered during the year;

2. Targeted action will be undertaken in the areas of health and education in order to ease, temporarily, the effects of weakening public delivery systems;

3. New efforts will be made in the areas of agriculture, livestock, water and sanitation in order to strengthen the sustainability of livelihoods among communities in the West Bank and Gaza Strip;

4. Monitoring systems will be enhanced in order to better assess humanitarian protection needs. This will help to better inform donor decision-making and better calibrate United Nations and other international humanitarian responses.

The programmes in the 2007 Appeal take fully into account efforts already underway to ease the increasing burden of the crisis on individual Palestinian families. In tandem with the Temporary International Mechanism, which focuses investments primarily on low-income workers and non-salary support for public services, the United Nations will focus its employment and food assistance programmes on the unemployed and on vulnerable households in need of steady, predictable food assistance that will support domestic coping strategies. Likewise, programmes will focus on areas, such as agriculture, that are not sufficiently covered by ongoing initiatives. It is hoped that during the course of 2007 these measures will be buttressed by concrete progress on the implementation of the Agreement on Movement and Access, particularly as it concerns commercial transit via Karni and Rafah and the easing of movements within the West Bank.

The scope of the Consolidated Appeal for 2007 reflects the increased pressures borne by the Palestinian economy and society as a result of the renewed crisis and deepening uncertainties about the immediate future. By itself, the Appeal will not resolve the structural aspects of the unfolding crisis. Nor will it replace a Palestinian Authority that cannot deliver services, salaries and internal security. The solution lies beyond the Appeal. But through this Appeal, United Nations agencies and programmes will work to alleviate the impact on Palestinians, help retain human dignity and to mitigate further deterioration into full scale poverty, institutional collapse, and instability.

III

Towards a permanent settlement: Unresolved issues

Chapter 10

Palestine refugees



The new refugee camp sits on the top of the hill that is Um Nasser, northern Gaza Strip in April 2007. Um Nasser is a Bedouin village where a high percentage of the residents are registered refugees. Photo: UNRWA

A nation of refugees

The hostilities that accompanied the establishment of the State of Israel in 1948 led to the flight of some 750,000 refugees from Palestine. Most of these refugees fled to the West Bank, then held by Jordan, to the Gaza Strip, held by Egypt, and to Lebanon, Syria, Jordan and even further afield. The Arab-Israeli war of 1967 led to yet another displacement, this time of more than 500,000 Palestinians, nearly half of whom were refugees uprooted for a second time.

The General Assembly adopted, in November 1948, its first resolution on providing assistance to Palestine refugees. In response to a report by acting mediator Ralph Bunche that "the situation of the refugees is now critical", it established United Nations Relief for Palestine Refugees (UNRPR). During its brief existence, UNRPR channelled emergency assistance to refugees from Palestine through international voluntary agencies.

On 11 December 1948, the General Assembly declared in resolution 194 (III) that refugees wishing to return to their homes should be permitted to do so at the earliest practicable date and that those choosing not to return should be compensated for their property. The resolution established the Conciliation Commission for Palestine, which was requested, among other things, to facilitate the refugees' repatriation, resettlement and economic and social rehabilitation. Efforts by the Commission to secure the return of the Palestinians have been unsuccessful.

Creation of UNRWA, 1949

As hopes faded for the immediate return of refugees to their homes, the General Assembly made more lasting arrangements. In December 1949, it established the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to succeed UNRPR and to carry out refugee-related activities in collaboration with local governments.

In May 1950, UNRWA, with its headquarters in Beirut, took over operations started earlier by international voluntary agencies. In the first few years of its work, UNRWA concentrated on providing immediate relief in the form of food, shelter and clothing. It has adjusted its programme over the years in keeping with the changing needs of the refugees.

Today, there are over 4.4 million Palestine refugees registered with UNRWA. The Agency contributes to the human development of Palestine refugees in the Gaza Strip, the West Bank, Jordan, Lebanon and the Syrian Arab Republic until a just solution is found to the refugee issue. The Agency fulfils this purpose by providing a variety of essential services within the framework of international standards. They include primary (and in Lebanon secondary) education, comprehensive primary health care, emergency relief, a social safety net and other social interventions, microfinance, housing and infrastructural support. Among United Nations agencies, it is unique in delivering a variety of services directly to refugees, parallel to the public-sector services provided by local authorities to the non-refugee population.

Since 1992, UNRWA has operated a microfinance and microenterprise programme for refugees in the Gaza Strip, West Bank, Jordan and Syria. The goal is to promote economic development and alleviate poverty, through the provision of credit for small enterprises, household consumption and housing needs. Many

of the loans have gone to women entrepreneurs and women heads of households to enable them to be independent and support their families. In its first 16 years, the programme financed over 126,000 loans with a value of $131 million, becoming the largest microfinance provider in the occupied Palestinian territory. At the end of 2006, the programme had outstanding portfolios of some 8,600 micro-enterprise loans with a total value of $ 5.74 million and 2,200 "solidarity group lending" loans to women clients with a value of $640,000. Despite the difficult economic situation and disruptions caused by the unrest in the territory, both programmes consistently recorded repayment rates of more than 83 per cent.

In carrying out its mandate, UNRWA works in cooperation with host Governments, the Palestinian Authority, other United Nations agencies, local and international nongovernmental organizations, and the World Bank. The Agency is seen by the refugees as a symbol of the international community's commitment to them until the problem is resolved. Its mandate is renewed regularly by the General Assembly, usually for three years at a time.

The headquarters of UNRWA, which was in Beirut until 1978, and then in Vienna for 18 years, returned to the Middle East in the mid-1990s. The relocation of the headquarters to Gaza in 1996, decided by the Secretary-General and endorsed by the General Assembly, was seen as a means to demonstrate the commitment of the United Nations to the peace process. UNRWA also maintains a headquarters in Amman, Jordan, and has field offices in Gaza City, East Jerusalem, Beirut, Damascus and Amman.

Nearly all of the funding for UNRWA, for its regular budget, projects and emergency programmes (which totalled some $599 million in 2006) comes from voluntary contributions, mostly from Member States and international organizations. As of 2006, UNRWA's major donors were the United States, the European Commission, Sweden, Norway, the United Kingdom and Canada.

The Agency's cash income (budgeted at $470.9 million for 2006) goes mainly to pay the salaries of its 28,000 "area" staff, almost all of whom are Palestine refugees. The staff costs for some 150 international employees are covered from the regular United Nations budget or funded directly by donors. Nearly 60 per cent of the Agency's budget was allocated to education, by far the largest service area. In the 2006-2007 academic year, UNRWA operated 666 schools with nearly 21,000 staff and a pupil enrolment of nearly 485,000 Palestine refugee children, half of them

girls. The Agency also operates eight vocational and technical training centres with 5,700 training places, and three university-level "educational science faculties". Many of the facilities built and sustained by UNRWA over the years have progressively been handed over to the refugee community, and are run by elected committees.

In recent years, UNRWA faced chronic financial deficits, as donor contributions failed to keep up with the growth in the refugee population and the heightened need for the Agency's services, especially in the occupied Palestinian territory, where a situation of ongoing conflict, economic crisis and constraints on movements have required repeated emergency interventions. Periodic budget shortfalls have necessitated the adoption of stringent austerity measures by the Agency, which to some extent have affected the quality – if not the quantity – of services offered. For example, classrooms in UNRWA schools are typically overcrowded, and most schools run on a double-shift basis; Agency doctors have to tend to an average of 95 patients a day.

UNRWA has initiated emergency programmes in response to the conditions of conflict and crisis that have prevailed in the occupied Palestinian territory for most of the past 20 years. These activities have ranged from supplementary schooling to emergency medical care, from massive food distributions to the rebuilding of destroyed or damaged refugee shelters, with a special emphasis on assisting the most vulnerable members of the refugee community. The Agency has looked to donors to fund these activities, on top of their normal support to the refugees.

Since October 2000, UNRWA has launched emergency appeals for the West Bank and Gaza Strip. Through the end of 2005, the Agency received some $543 million in pledges, which were less than two-thirds of the amounts sought. By the end of 2006, UNRWA had received pledges of $145 million, or 84 per cent of total financial requirements, for its emergency appeals for that year, and said it expected to receive less than half of the $250 million it was seeking in an emergency appeal for 2007.

Lebanon: A special case

Perhaps the most vulnerable of all the Palestine refugees in the Middle East are those living in Lebanon. Many of those who fled the northern and coastal regions of Palestine in 1948 took refuge in camps around the Lebanese towns of Tyre, Saida, Beirut and Tripoli, and UNRWA assisted them from 1950 onward. Another wave of Palestinians came to Lebanon from Jordan in 1970, and unrest steadily increased along the Israeli border in southern Lebanon. By early 1972, the situation along the border had

deteriorated. Stating that it was retaliating against raids by Palestinian commandos into its territory, Israel attacked refugee camps in Lebanon. In April 1972, at the request of Lebanon, UNTSO set up a ceasefire observation operation along the border.

Israel's invasion of southern Lebanon, 1978

Israeli forces invaded southern Lebanon in March 1978, following a Palestinian commando raid into Israel. The Security Council called on Israel to withdraw its forces from Lebanese territory and, at the request of Lebanon, established the United Nations Interim Force in Lebanon (UNIFIL), with a mandate to confirm the withdrawal of Israeli forces, restore peace and security, and assist the Lebanese Government to re-establish its authority over the south of the country. However, when Israeli forces completed their withdrawal from Lebanon in June 1978, they handed over their positions in the border area not to UNIFIL, but to Christian and associated militias supported by Israel.

Southern Lebanon remained volatile, with frequent exchanges of fire between the Christian militias and the Israeli forces on the one hand and armed elements of the PLO and the Lebanese National Movement on the other. Efforts by the United Nations and the United States led to a *de facto* ceasefire in July 1981, and the area remained generally quiet until May 1982. Then, following attacks on Israeli diplomats in London and Paris, Israel carried out air strikes against PLO targets in Lebanon. Fighting broke out once again between Israeli and PLO forces.

On 5 June, in resolution 508 (1982), the Security Council called for an immediate halt to all military activities within Lebanon and across the Israel-Lebanon border. The next day, Israeli forces invaded Lebanon, overrunning or bypassing UNIFIL positions. The Security Council, in resolution 509 (1982), reiterated its calls for a ceasefire and demanded that Israel withdraw its military forces "forthwith and unconditionally". The invasion continued, and eventually Israeli forces reached and surrounded the Lebanese capital, Beirut.

Continuing to meet in June, July and August of 1982, the Security Council demanded that Israel lift its blockade of Beirut so that civilians in the city could receive necessary supplies. It authorized the deployment of United Nations military observers, known as Observer Group Beirut, to monitor the situation in and around the city. In August, during a sustained siege of West Beirut by Israeli forces, France, Italy and the United States, at the request of the Lebanese Government,

sent a multinational force to Beirut to assist in the orderly and safe departure of Palestinian armed personnel from Lebanon. The evacuation of Palestinian forces from the Beirut area was completed on 1 September 1982, and the multinational force was withdrawn over the next two weeks.

Tension increased greatly with the assassination of Lebanon's president-elect, Bashir Gemayel, on 14 September 1982. The next day, Israeli forces moved into West Beirut. On 17 September, hundreds of Palestinian civilians, including women and children, were massacred in the refugee districts of Sabra and Shatila, in south Beirut, by Lebanese Christian militias, which had entered West Beirut with the Israeli forces. The Security Council condemned the "criminal massacre of Palestinian civilians in Beirut", and the Government of Lebanon requested the return of the multinational force.

Contingents from France, Italy and the United States, later joined by a small unit from the United Kingdom, went back to Beirut late in September 1982. The multinational force encountered serious obstacles to its task, and because of heavy casualties, Italy, the United Kingdom and the United States withdrew their personnel, followed by France early in 1984, thus ending the 19-month multinational effort.

Evacuation of the PLO

In June 1983, clashes broke out in eastern Lebanon between different Palestinian factions, causing widespread suffering among Palestinian civilians. Then the focus of tension among Palestinians shifted to northern Lebanon around the city of Tripoli. An agreement was eventually reached providing for a ceasefire and the evacuation from Lebanon of Palestinian leader Yasser Arafat and the armed elements of the PLO loyal to him. In response to a request by him, the Secretary-General decided, on humanitarian grounds, to authorize the flying of the United Nations flag on ships that would evacuate the PLO forces from Tripoli. The evacuation was carried out on 20 December 1983, and thousands of Palestinians, including the PLO leadership, took refuge in Tunisia, Yemen and other countries.

In January 1985, the Israeli Government announced that members of the Israel Defence Forces (IDF) would continue to operate in a "security zone" in southern Lebanon and act as advisers to the so-called "South Lebanon Army" (SLA). The IDF and SLA in southern Lebanon remained targets for attacks by groups opposed to

the Israeli occupation. In 1993 and 1996, Israel carried out intense bombardments, causing many civilian casualties.

Israeli withdrawal from Lebanon, 2000

On 17 April 2000, Israel informed the Secretary-General that it would withdraw its forces from Lebanon by July 2000 "in full accordance with Security Council resolutions 425 (1978) and 426 (1978)." As a first step, the Secretary-General sent his Special Envoy, Terje Roed-Larsen, to meet with the Governments of Israel and Lebanon and concerned Member States in the region. United Nations technical, legal and military experts, accompanying the envoy, examined issues related to the withdrawal. On 2 May, the Government of Israel notified the Secretary-General that Israel had redeployed its forces in compliance with Security Council resolutions. A United Nations team of cartographers worked on the ground to identify a line to be adopted for the purposes of confirming the Israeli withdrawal (subsequently referred to as the "Blue Line"). UNIFIL troops moved southwards and deployed along the Blue Line as the Lebanese authorities took control of some of the area vacated by Israel. At the same time, armed elements from the Lebanese militia group, Hizbollah, also entered the area.

Reporting to the Security Council on 20 July 2000, the Secretary-General stated that southern Lebanon had seen dramatic change. The Israeli forces had left, their local Lebanese auxiliary had been disbanded, and after more than two decades the guns had fallen silent. In January 2001, the Secretary-General determined that UNIFIL could not "compel the Lebanese Government to take the last step and deploy its personnel down to the Blue Line". The United Nations force was to remain focused on "restoring international peace and security" with the functions of an observer mission. For six years, despite periodic ceasefire violations and occasional incidents from both sides of the Blue Line, relative calm existed in south Lebanon. At the request of the Government of Lebanon, the Security Council regularly renewed UNIFIL's mandate, determining that the Force's presence had been helpful in promoting stability.

War in Lebanon, 2006

In January 2006, however, UNIFIL noted that the situation along the Blue Line had grown more tense, and the Secretary-General appealed to the parties not to endanger

the lives of civilians in the area. On 12 July 2006, Hizbollah militants crossed into Israel and killed three Israeli soldiers and captured two others, demanding the release of Lebanese prisoners held in Israeli jails. At the same time, Hizbollah rockets were fired into northern Israel. Israel responded by launching air and sea attacks on Lebanon. Israel heavily bombarded southern Lebanon and southern Beirut, and Hizbollah carried out rocket attacks on Israeli cities, resulting in civilian casualties on both sides. The fighting persisted for 34 days; more than 1,000 Lebanese and 159 Israelis were killed and in excess of 100,000 Lebanese civilians were displaced from their homes, mostly in the southern districts of Beirut.

The Security Council, in its resolution 1701 of 11 August 2006, called for a full cessation of hostilities, authorized an increase of up to 15,000 in the force strength of UNIFIL, and called upon Lebanon and UNIFIL to deploy their forces together throughout the south and on Israel to withdraw all its forces from southern Lebanon. A ceasefire went into effect on 14 August.

By the end of 2006, there were some 400,000 Palestine refugees registered with UNRWA in Lebanon (forming about 10 per cent of the population). Just over half of them resided in 12 recognized camps in the north, centre and south of the country, and in the east around Baalbek. The others lived in and around the major cities, often in conditions that were even harsher than those found in the organized camps. Remarkably, although tens of thousands of Palestine refugees inhabited densely populated shanty towns in south Beirut and around the southern cities of Saida and Tyre, they were for the most part not directly involved in or uniquely affected by the 2006 conflict. One UNRWA worker was killed in a shelling attack on Saida.

Palestine refugees in Lebanon do not have full social and civil rights, and historically have had very limited access to Government health and educational facilities and no access to public social services. For decades, the Government imposed restrictions on their access to employment in many sectors of the economy. To overcome the resulting high unemployment rates, UNRWA has managed self-help and income-generation projects for the refugees, while also assisting them with social needs such as hospitalization coverage and housing construction. In 2006, the Government of Lebanon said it would lift some of the restrictions on the employment of Palestine refugees and on the importation of building materials into the camps. Still, the popular committees representing the refugees in camps continued to press both UNRWA and the Government for help in improving their living conditions. UNRWA operates

81 elementary and preparatory schools, five secondary schools, a vocational training centre and 25 primary health-care facilities for refugees in Lebanon.

In May 2007, fighting erupted between Lebanese army units and armed fighters, mostly foreigners, inside Nahr el-Bared, a Palestine refugee camp near the northern Lebanese city of Tripoli. Dozens were killed on both sides, and some 15,000 refugees were displaced from their homes. An UNRWA relief convoy came under fire while distributing food and other supplies in the camp. One UNRWA worker was killed in the clashes.

Palestine refugees elsewhere

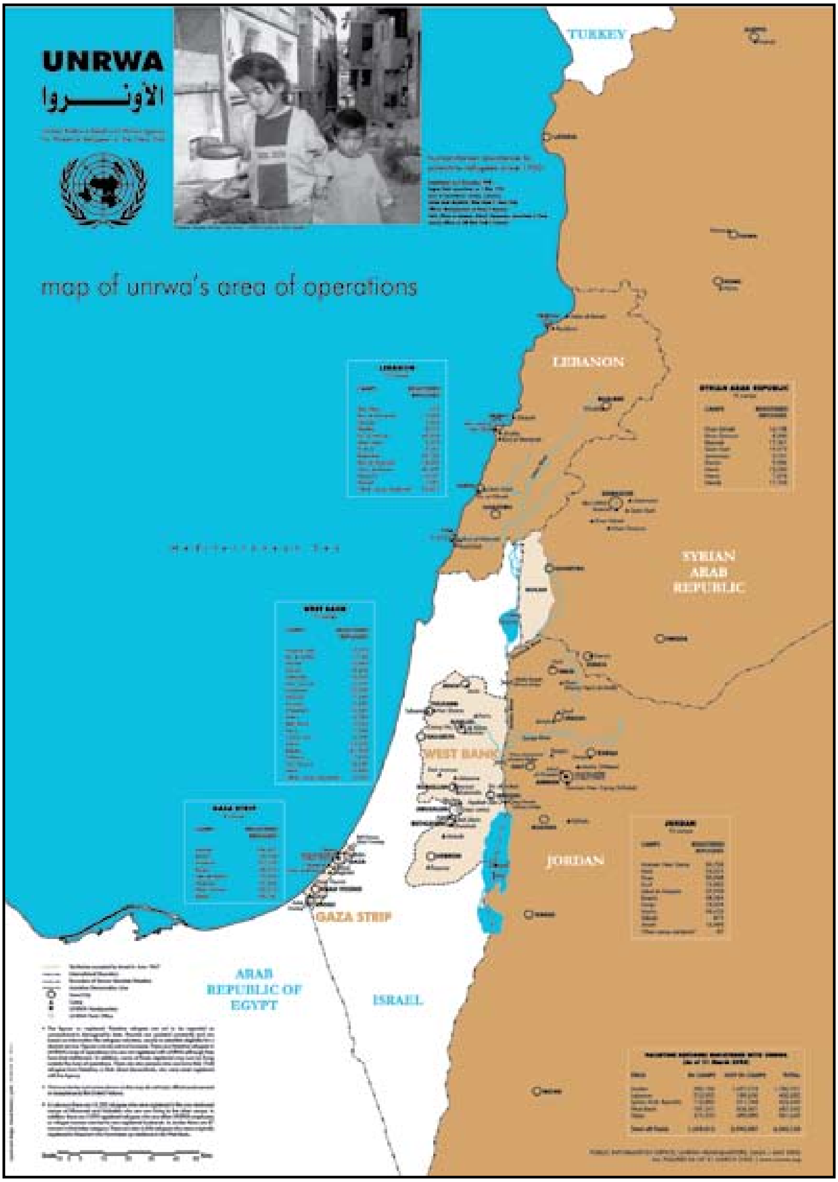
The vast majority of Palestine refugees fall under UNRWA's mandate, but there are also large numbers of Palestinian refugees living in other countries of the region, including the Arab Gulf States, Egypt, Iraq and Yemen, and even further afield in Australia, Europe and the Americas. Those falling outside the UNRWA mandate may qualify as refugees under the 1951 Convention relating to the Status of Refugees, and may be assisted by the Office of the United Nations High Commissioner for Refugees (UNHCR). Most recently, UNHCR has been providing assistance to an estimated 15,000 Palestinian refugees remaining in Iraq, as well as, in coordination with UNRWA, to those who fled from that country to Jordan and Syria. UNHCR has also provided assistance to some destitute Palestinians in Egypt and Libya.

UN Facts — Registered Palestine refugees

Field of Operations	Official Camps	Registered families in camps	Registered Refugees in Camps	Registered Refugees
Jordan	10	63,591	328,076	1,858,362
Lebanon	12	50,806	215,890	408,438
Syria	9	26,645	119,055	442,363
West Bank	19	39,895	186,479	722,302
Gaza Strip	8	93,074	478,272	1,016,964
Agency total	58	274,011	1,327,772	4,448,429

Figures as of 31 December 2006

Source: UNRWA


UNRWA
الأونـــــروا
map of unrwa's area of operations
TURKEY
LEBANON
SYRIAN
ARAB
REPUBLIC
WEST BANK
GAZA STRIP
JORDAN
ARAB
REPUBLIC OF
EGYPT
ISRAEL

Chapter 11

Israeli settlements in the occupied Palestinian territory



Israeli settlement of Modiin in the West Bank, March-April 2006. Photo: Interfaith Peace Builders

United Nations opposition to Israeli settlement policy, 1979

Since the early 1970s, Israel has established civilian settlements in the Palestinian and other Arab territories it occupied in 1967. The Security Council and General Assembly have repeatedly insisted that the establishment of Israeli settlements in the occupied Palestinian territory is in contravention of international law—the 1949 Fourth Geneva Convention—and United Nations resolutions. In resolution 446 of 22 March 1979, the Security Council determined that the policies and practices of Israel resulting in the establishment of settlements in the Palestinian and other Arab territories occupied since 1967 had no legal validity and constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. Through the same resolution, the Council established a Commission consisting of three of its non-permanent members—Bolivia, Portugal and Zambia—to examine the situation relating to settlements in the occupied territories, including Jerusalem. Despite repeated appeals, the Commission was unable to obtain the cooperation of the Government of Israel in the fulfilment of its mandate.

In its report of 12 July 1979 the Commission addressed the consequences of the Israeli settlement policy for the local Arab population, such as the displacement

of the Arab population, seizure of land and water resources, destruction of houses, banishment of persons and continuous pressure to emigrate in order to make room for new settlers, as well as drastic and adverse changes to the economic and social pattern of the daily life of the remaining Arab population, which changed profoundly the geographical and demographic nature of the affected territories in violation of the Fourth Geneva Convention.

A second report of the Commission was submitted to the Security Council on 4 December 1979. In the conclusions contained in the report, the Commission reiterated that Israel's policy of settlement, pursued in spite of Security Council decisions and appeals, was incompatible with the pursuit of peace in the area. In its third report, dated 25 November 1980, the Commission reaffirmed the entirety of the conclusions contained in its two previous reports and also focused on Israel's exploitation of natural resources in the occupied territories. This report was never considered by the Security Council.

In March of 1994, after the massacre of Palestinian worshippers in a Hebron mosque by an Israeli settler, the Security Council adopted resolution 904 (1994), calling upon Israel "to continue to take and implement measures, including, *inter alia*, confiscation of arms, with the aim of preventing illegal acts of violence by Israeli settlers".

In the late 1990s, the General Assembly repeatedly convened its tenth emergency special session to take up the issue of Israeli actions in East Jerusalem and the rest of the occupied Palestinian territory. The attention of the Assembly was drawn particularly to the decision of the Israeli Government to start building settlements in East Jerusalem's Jabal Abu Ghneim and other districts, which was considered an illegal act. In a resolution adopted on 25 April 1997, the General Assembly called for "the cessation of the construction of the new settlement in Jabal Abu Ghneim and of all other illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory". In the absence of any indications of Israel's compliance with the resolution, the Assembly reconvened the tenth emergency session again in February 1999, adopting a resolution reaffirming that "all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character, legal status and demographic composition of Occupied East Jerusalem and the rest of the occupied Palestinian territory, are null and void and have no validity whatsoever"

(*see Chapter 12, below*). The resolution affirmed that Israel's "settlement activities, and the practical results thereof, remain contrary to international law and cannot be recognized, irrespective of the passage of time", and again demanded the cessation of construction at Jabal Abu Ghneim and elsewhere and acceptance by Israel of the *de jure* applicability of the Fourth Geneva Convention.

CHR Special Rapporteur on settlements, 2000, 2007

According to a report on the situation of human rights in the Palestinian territories, submitted on 15 March 2000 by the Special Rapporteur of the Commission on Human Rights, Israel had confiscated since 1967 an estimated 60 per cent of the West Bank, 33 per cent of the Gaza Strip and approximately 33 per cent of the Palestinian land in Jerusalem for public, semi-public and private use in order to create Israeli military zones, settlements, industrial areas, elaborate "bypass" roads and quarries, as well as to hold "State land" for exclusive Israeli use.

The Palestinian Rights Committee, in its 2000 report, reiterated its firm belief that Israel's settlement policy and actions remained a key factor causing great damage to the peace process. Likewise, the General Assembly in its resolution adopted on 20 October 2000 said that all Israeli settlements in the occupied Palestinian territory, including Jerusalem, were illegal and an obstacle to peace. It also called for the prevention of illegal acts of violence by Israeli settlers.

In his report to the new Human Rights Council in January 2007, the Special Rapporteur on the situation of human rights in the Palestinian territories, John Dugard, said that, as a result of expansion, the Israeli settler population in the West Bank numbered some 260,000, and that of East Jerusalem was approaching 200,000. He cited an October 2006 report by an Israeli advocacy group, Peace Now, which contended that nearly 40 per cent of the land held by Israeli settlements in the West Bank was privately owned by Palestinians. The Human Rights Council, at its second session ending in November 2006, adopted a resolution in which it "urged Israel, the occupying power, to reverse the settlement policy in the occupied territories, including East Jerusalem…and to prevent any new installation of settlers".

The General Assembly, in its resolution 61/118 of 14 December 2006, reaffirmed its long-held stance that "Israeli settlements in the Palestinian territory, including East Jerusalem…are illegal and an obstacle to peace and economic and

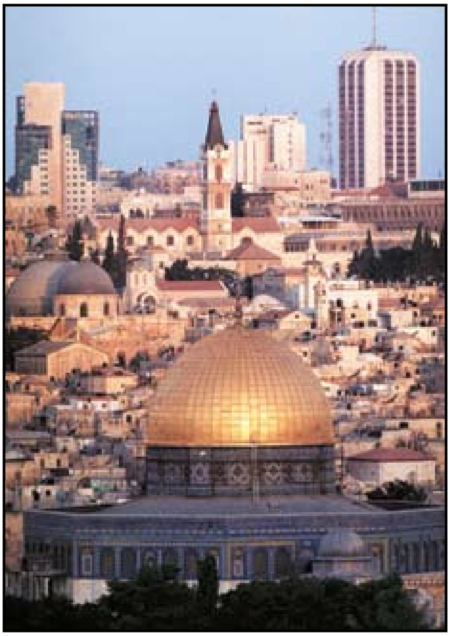
social development", and calling on Israel "to comply strictly with its obligations under international law, including international humanitarian law, with respect to the alteration of the character and status of the occupied Palestinian territory, including East Jerusalem".

Under the Road Map peace plan supported by the Middle East Quartet and subscribed to by both Israel and the Palestinians, the Government of Israel is required to dismantle immediately "settlement outposts erected since March 2001", and to freeze all further settlement activity, including building to meet the "natural growth" of existing settlements. Yet, according to a report by the World Bank in May 2007, "from 2001-2005, the settler population grew at a rate of 5.5 per cent annually, while the population within Israel increased by only 1.8 per cent annually".

In a briefing to the Security Council in April of 2007, Under-Secretary-General for Political Affairs B. Lynn Pascoe said that, despite the provisions of the Road Map calling for a settlement freeze, the construction of new housing units was taking place in some 75 of the 121 settlements in the occupied Palestinian territory. Also, despite the obligations of Israel under the Road Map, none of the additional 101 outposts in the West Bank had been removed.

Chapter 12

The status of Jerusalem



Jerusalem (Al Quds in Arabic) AP/Wide World Photos

The UN plan for Jerusalem, 1947

General Assembly resolution 181 (II) of 29 November 1947 on partition envisaged a demilitarized Jerusalem as a separate entity under the aegis of the United Nations Trusteeship Council, which would draft a statute for Jerusalem and appoint a Governor. A legislature would be elected by universal adult suffrage. This statute would remain in force for 10 years and would then be duly examined by the Trusteeship Council, with citizens' participation through a referendum.

The ensuing hostilities prevented implementation of the resolution. Israel occupied the western sector of the Jerusalem area, and Jordan occupied the eastern sector, including the walled Old City. Thus, there came into existence a *de facto* division of Jerusalem.

The General Assembly, however, by resolution 194 (III) of 11 December 1948, reaffirmed both the principle of internationalization and existing rights. The Arab States, refusing to recognize Israel, did not accept it. Israel also ignored the resolution and moved to extend its jurisdiction to that part of Jerusalem which it had occupied. On 23 January 1950, Israel declared Jerusalem its capital and established government agencies in the western part of the city. Jordan, for its part, moved to formalize its control of the Old City; however, Jordanian legislation indicated that this action did not prejudice the final settlement of the Palestinian issue.

Israel's occupation of East Jerusalem, 1967

The war of June 1967 radically changed that situation. As a result of the war, Israel occupied East Jerusalem and the West Bank. Since then, a number of demographic and physical changes have been introduced, and both the General Assembly and the Security Council, in several resolutions, have declared invalid the measures taken by Israel to change the status of Jerusalem. Security Council resolution 252 (1968) in particular is explicit in this regard. In it, the Council considered "that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem, are invalid and cannot change that status". Israel was urgently called upon "to rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem". The Security Council has reaffirmed these two positions many times.

When Israel took steps to make a united Jerusalem its capital, the Security Council on 30 June 1980 adopted resolution 476 (1980) urgently calling on Israel, the occupying Power, to abide by this and previous Security Council resolutions and to desist forthwith from persisting in the policy and measures affecting the character and status of the Holy City of Jerusalem.

After Israel's non-compliance with the resolution, the Council, on 20 August, adopted resolution 478 (1980), in which it reiterated its position that all actions altering the status of the city were null and void, and called upon States that had established diplomatic missions in Jerusalem to withdraw them. The General Assembly also considered Israel's action to be a violation of international law that did not affect the continued applicability of the Fourth Geneva Convention. This understanding, affirmed by the Assembly in December 1980, has been reaffirmed in subsequent years.

During the 1980s, United Nations resolutions dealt with the Jerusalem issue in the wider context of the inadmissibility of the acquisition of territory by force and the applicability of the Fourth Geneva Convention to the Palestinian territory occupied by Israel since 1967. East Jerusalem has been considered, by both the General Assembly and the Security Council, as part of the occupied Palestinian territory.

As the international community and in particular the Security Council continued to follow with concern developments affecting the question of Palestine, an important action was taken by the Council through resolution 672, adopted on 12 October 1990 following the violence that took place in Jerusalem at the Haram Al-Sharif, where the Al-Aqsa mosque, the third holiest shrine in Islam, is situated. The Council, after condemning "especially the acts of violence committed by the Israeli security forces resulting in injuries and loss of human life", called upon Israel "to abide scrupulously by its legal obligations and responsibilities under the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to all the territories occupied by Israel since 1967".

The applicability of the Fourth Geneva Convention to Jerusalem was reaffirmed by the Security Council on 20 December 1990, when it expressed grave concern at the deteriorating situation in "all the Palestinian territories occupied by Israel since 1967, including Jerusalem", and called on Israel to abide by it.

The General Assembly has annually revisited the question of Jerusalem. In resolution 61/26 adopted at its sixty-first session on 1 December 2006, the Assembly determined that all legislative and administrative measures and actions taken by Israel which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" and the proclamation of Jerusalem as the capital of Israel, were null and void. The Assembly also welcomed the decision by some States that had established diplomatic missions in Jerusalem to withdraw those missions, in compliance Security Council resolution 478 (1980). The Assembly stressed that a "comprehensive, just and lasting solution to the question of the City of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities".

Israeli settlement expansion in Jerusalem area

In the same resolution, the General Assembly also expressed grave concern about the continuation by Israel of "illegal settlement activities" and the construction of the separation wall in and around East Jerusalem. The further isolation of the city from the rest of the occupied Palestinian territory, it said, was having a detrimental effect on the lives of Palestinians, and could prejudge a final-status agreement on Jerusalem.

The resolution referred particularly to the so-called "E-1 plan", which called for the construction of housing for 15,000 settlers and other facilities in a corridor east of Jerusalem adjacent to the large existing Israeli settlement of Ma'ale Adumim (population 32,000). Palestinian and other critics of the plan asserted that it would effectively divide the occupied West Bank into two parts, and would further isolate Palestinian East Jerusalem from the rest of the occupied territory. To date, while some preparatory infrastructural work has been done, construction of the new settlement has not formally begun. The Israeli separation barrier, or wall, extends some 15 kilometres into the West Bank east of Jerusalem, in order to enclose the Adumim bloc of settlements.

As of the end of 2006, an estimated 180,000 Israelis lived in more than a dozen civilian settlements established in East Jerusalem, within the expanded municipal boundaries of the city. The Palestinian population of East Jerusalem was about 244,800, including some 36,000 living within the walled Old City.

Since 1982, the Old City of Jerusalem has been inscribed on the list of World Heritage sites maintained by the United Nations Educational, Scientific and Cultural Organization (UNESCO). In April 2007, after hearing the report of a technical mission sent to Jerusalem by the Director-General of UNESCO to study reconstruction and archaeological work being carried out by the Israeli authorities in the Old City, the UNESCO executive board adopted a decision reaffirming the "outstanding universal value of the Old City of Jerusalem and the need to protect and safeguard this World Heritage site". The chairman of the UNESCO board noted that this was the "first time that Israelis and the Palestinians had worked together to ensure the protection of Jerusalem, an endangered World Heritage site common to all of humanity, and to work together constructively towards achieving consensus on this important and highly complex matter".

Further reading

Publications

The Origins and Evolution of the Palestine Problem, 1917-1988, United Nations, New York, 1990.

The Question of Palestine, 1979-1990, United Nations, New York.

The Status of Jerusalem, United Nations, New York.

For the Rights of the Palestinians (the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People), United Nations, New York, 1997.

Teaching about Palestine, United Nations, New York, 1990.

The United Nations and Palestinian Refugees (booklet published jointly by UNRWA and UNHCR), Gaza/Geneva, January 2007.

Role of Civil Society in Promoting a Just and Lasting Peace in the Middle East: An Israeli-Palestinian Dialogue, Proceedings of the International Media Seminar on Peace in the Middle East, Beijing, 16-17 June 2004, United Nations, May 2005

Towards a Two-State Solution: An Israeli-Palestinian Dialogue, Proceedings of the International Media Seminar on Peace in the Middle East, Seville, Spain, 21-22 October 2003.

(Proceedings of previous United Nations media seminars and encounters, in Copenhagen (July 2002), Paris (June 2001), Madrid (March 1999), Prague (February 1998), Athens (May 1997), Elsinore (June 1994), London (June 1993), Lisbon (September 1992) and Helsinki (June 1991) were also published by the United Nations Department of Public Information.)

To find out more about United Nations publications or to order copies, please contact: United Nations Publications Sales and Marketing Section, Department of Public Information, Room DC2-0853, New York, NY 10017; tel.: (800) 253-9646, (212) 963-8302; fax: (212) 963-3489; e-mail: publications@un.org; Internet: www.un.org/publications

Videos

Palestine: 1890s-1990s. Traces chronologically the evolution of the Question of Palestine. 34 min., 1994. Available in Arabic, English, French and Spanish.

Palestinian Portraits. The film focuses on successful Palestinian professionals living in exile. 22 min., 1987. Available in English.

About the United Nations: Palestine. A young reporter talks to both Israelis and Palestinians and looks at the historical background of the conflict. 19 min., 1990. Available in English, French and Spanish.

To find out more about UN videos or to order copies, please contact: Audio-Visual Promotion and Distribution, Department of Public Information, United Nations, Room S-805A, New York, NY 10017; tel.: (212) 963-6982/6939; fax: (212) 963-6869; e-mail: audio-visual@un.org

Resources on the Internet

UNISPAL: The United Nations Information System on the Question of Palestine (UNISPAL) is a comprehensive database, providing users with full-text documents of the United Nations system relevant to the question of Palestine and the Arab-Israeli conflict in the Middle East since 1946. UNISPAL is hosted at http://unispal.un.org. Additional background information on the issue can be found at the "Question of Palestine at the United Nations" web site at http://www.un.org/depts/dpa/qpal.

UNRWA: The UNRWA site covers latest news, emergency appeals, and special reports on its activities among 4.4 million registered Palestine refugees. The site also includes a large photo collection, covering the question of Palestine as it has evolved since 1922. www.unrwa.org

UNDP: UNDP's site on its programme of assistance to the Palestinian people covers information on current activities. http://www.undp.ps/

UNSCO: UNSCO is the Office of the United Nations Special Coordinator for the Middle East Peace Process. Site includes fact sheets, periodic reports on Palestinian economy and reports on the impact of recent confrontations and border closures on the Palestinian economy. http://www.un.org/unsco/

OCHA: The United Nations Office for the Coordination of Humanitarian Affairs maintains a dedicated web site for the occupied Palestinian territory, featuring

reports, maps, photos, incident tracking and links to other United Nations programmes. http://www.ochaopt.org/

WORLD BANK: The World Bank also maintains a special site for its activities in the West Bank and Gaza Strip. http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/WESTBANKGAZAEXTN/0,,menuPK:294370~pagePK:141159~piPK:141110~theSitePK:294365,00.html

PEACEKEEPING: Information about United Nations peacekeeping missions in the Middle East (UNTSO, UNDOF and UNIFIL) is available on the web site of the United Nations Department of Peacekeeping Operations. http://www.un.org/Depts/dpko/dpko/

To find out more about the question of Palestine and the United Nations, please contact:

Palestine, Decolonization and Human Rights Section
Department of Public Information
United Nations, S-994
New York, NY 10017

Tel.: (212) 963-4353
Fax: (212) 963-2218

E-mail: dorani@un.org

Printed in United Nations, New York

Published by the United Nations Department of Public Information

07-44457—DPI/2499—April 2008—4,000
Reprinted: 08-67554— DPI/2499 /rev.1—January 2009—3,000